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**MATT BLUNT**

**SECRETARY OF STATE**

# MISSOURI REGISTER

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**SECRETARY OF STATE**

**MATT BLUNT**

**Administrative Rules Division**

James C. Kirkpatrick State Information Center  
600 W. Main  
Jefferson City, MO 65101  
(573) 751-4015

**DIRECTOR**

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•

**EDITORS**

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JAMES McCLURE

•

**ASSOCIATE EDITORS**

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SALLY L. REID

TIFFANY M. DAVIS

•

**PUBLISHING STAFF**

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HEATHER M. DOWNS

•

**ADMINISTRATIVE STAFF**

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Administrative Rules Division

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Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule. To review the entire year's schedule, please check out the website at <http://www.sos.state.mo.us/adrules/pubsched.asp>

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## HOW TO CITE RULES AND RSMo

**RULES**—Cite material in the *Missouri Register* by volume and page number, for example, Vol. 26, *Missouri Register*, page 27. The approved short form of citation is 26 MoReg 27.

The rules are codified in the *Code of State Regulations* in this system—

Title	Code of State Regulations	Division	Chapter	Rule
1	CSR	10-	1.	010
Department		Agency, Division	General area regulated	Specific area regulated

They are properly cited by using the full citation , i.e., 1 CSR 10-1.010.

Each department of state government is assigned a title. Each agency or division in the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraph 1., subparagraph A., part (I), subpart (a), item I. and subitem a.

**RSMo**—Cite material in the RSMo by date of legislative action. The note in parentheses gives the original and amended legislative history. The Office of the Revisor of Statutes recognizes that this practice gives users a concise legislative history.

**U**nder this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

**E**ntirely new rules are printed without any special symbolology under the heading of the proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

**A**n important function of the *Missouri Register* is to solicit and encourage public participation in the rulemaking process. The law provides that for every proposed rule, amendment or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

**I**f an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least thirty (30) days after publication of the notice in the *Missouri Register*. If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than thirty (30) days after publication of the notice in the *Missouri Register*.

**A**n agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the ninety (90)-day-count necessary for the filing of the order of rulemaking.

**I**f an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than thirty (30) days from the date of publication of the new notice.

Proposed Amendment Text Reminder:

**Boldface text indicates new matter.**

*[Bracketed text indicates matter being deleted.]*

## Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

### Division 200—State Board of Nursing Chapter 4—General Rules

#### PROPOSED AMENDMENT

**4 CSR 200-4.010 Fees.** The board is proposing to amend subsection (1)(J) and add a new subsection (1)(P).

**PURPOSE:** *This amendment establishes the Nurse Practice Act fee and deletes obsolete information.*

(1) The following fees are established by the State Board of Nursing:  
(J) Biennial Renewal Fee—

1. RN— <i>[Prior to January 1, 2003]</i>	\$ 100.00/
Effective January 1, 2003	\$ 80.00

2. LPN— <i>[Prior to January 1, 2003]</i>	\$ 92.00/
Effective January 1, 2003	\$ 72.00

3. License renewal for a professional nurse shall be biennial; occurring on odd-numbered years and the license shall expire on April 30 of each odd-numbered year *[beginning with the 1997–1999 renewal period]*. License renewal for a practical nurse shall be biennial; occurring on even-numbered years and the license shall expire on May 31 of each even-numbered year *[beginning with the 1998–2000 renewal period]*. Renewal shall be for a twenty-four (24)-month period except in instances when renewal for a greater or lesser number of months is caused by acts or policies of the Missouri State Board of Nursing. Renewal applications (see 4 CSR 200-4.020) shall be mailed every even-numbered year by the Missouri State Board of Nursing to all LPNs currently licensed and every odd-numbered year to all RNs currently licensed;

4. Renewal fees for each biennial renewal period as outlined in this subparagraph shall be accepted by the Missouri State Board of Nursing only if accompanied by an appropriately completed renewal application:

A. RNs (odd-numbered years):

*[(I) Prior to January 1, 2003, one hundred dollars (\$100); and]*

*[(III)] (I) Effective January 1, 2003, eighty dollars (\$80).*

B. LPNs (even-numbered years):

*[(I) Prior to January 1, 2003, ninety-two dollars (\$92); and]*

*[(III)] (I) Effective January 1, 2003, seventy-two dollars (\$72);*

5. All fees established for licensure or licensure renewal of nurses incorporate an educational surcharge in the amount of one dollar (\$1) per year for practical nurses and five dollars (\$5) per year for professional nurses. These funds are deposited in the professional and practical nursing student loan and nurse repayment fund;

**(P) Bound Copy of the Nursing Practice Act  
(statutes and rules)**

**\$5.00**

**AUTHORITY:** *sections 335.036 and 335.046, RSMo 2000. Emergency rule filed Aug. 13, 1981, effective Aug. 23, 1981, expired Dec. 11, 1981. Original rule filed Aug. 13, 1981, effective Nov. 12, 1981. For intervening history, please consult the Code of State Regulations. Amended: Filed Feb. 18, 2003.*

**PUBLIC COST:** *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

**PRIVATE COST:** *This proposed amendment will cost private entities approximately fifteen thousand dollars (\$15,000) annually for the life of the rule. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.*

**NOTICE TO SUBMIT COMMENTS:** *Anyone may file a statement in support of or in opposition to this proposed amendment with the State Board of Nursing, Lori Scheidt, Executive Director, PO Box 656, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*



## FISCAL NOTE PRIVATE ENTITY COST

### I. RULE NUMBER

**Title:** 4 – Department of Economic Development

**Division:** 200 – State Board of Nursing

**Chapter:** Chapter 4 – General Rules

**Type of Rulemaking:** Proposed Amendment

**Rule Number and Name:** 4 CSR 200-4.010 Fees

### II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate annual cost of compliance with the rule by the affected entities:
3000	Nursing Practice Act (\$5.00)	\$15,000
<b>Total annual cost for the life of the rule</b>		<b>\$15,000</b>

### III. WORKSHEET

Per Nursing Practice Act

- \$2.05 - Spiral Bound Printing
- \$ .05 - Envelope Cost
- \$1.75 - Postage
- \$1.25 - Staff Time

### IV. ASSUMPTIONS

1. The board anticipates mailing approximately 3000 Nursing Practice Acts (NPAs) annually. The board plans to include a statement in all relevant correspondence that the NPA is available on their website or include a printed copy of the pertinent part of the statute and/or rule an attachment to the correspondence. Individuals who view the NPA on the board's website will be able to print the document in its entirety at no cost.
2. It is estimated that it will take 5 minutes for the Licensing Technician I to process the initial telephone, email or faxed request, type a label and mail the NPA. Staff time was calculated using an annual salary of \$31,090 including fringe benefit for an hourly salary of \$14.95 (\$14.95 divided by 60 minutes, for a cost per minute of \$.25). Based on the board's estimate of 5 minutes for processing, \$1.25 has been estimated for staff time cost.
3. It is anticipated that the total annual cost will recur for the life, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 220—State Board of Pharmacy  
Chapter 2—General Rules**

**PROPOSED AMENDMENT**

**4 CSR 220-2.010 Pharmacy Standards of Operation.** The board is proposing to amend subsections (1)(A) and (1)(B) and subsections (8)(A) and (8)(D).

*PURPOSE: This rule is being amended to clarify PIC responsibilities in a site that is licensed as a Class J Pharmacy that utilizes automated dispensing and storage systems. This rule is also being amended to include the drug alteplase as a product that hospice or home-health nurses may possess for patient care purposes.*

(1) The word medicine or medicines is a word similar or of like import to the words pharmacist, pharmacy, apothecary shop, chemist shop, drug store, druggist and drugs, and no person shall carry on, conduct or transact a business under a name which contains, as part of the name, the word medicine or medicines, unless the place of business is supervised by a licensed pharmacist.

(A) At all times when [physicians'] prescriptions are compounded in a pharmacy or other establishments holding a Missouri pharmacy permit, there shall be on duty and present in that place of business a pharmacist licensed in Missouri as provided by law. **In any Class J: Shared Service pharmacy where a permit is maintained at a location for the purpose of remote dispensing as defined in 4 CSR 220-2.900 the pharmacist may be considered on duty and present as long as all required electronic connection requirements are maintained and the pharmacist is accessible at all times to respond to patient's or other health professionals' inquiries or requests pertaining to drugs dispensed through the use of the automated pharmacy system.** When there is no pharmacist on duty, no prescription will be compounded, dispensed or otherwise provided and the public will be advised that no pharmacist is on duty by means of signs stating this fact. The signs will be displayed prominently on the doors of all entrances and the prescription counter of the pharmacy and the signs will be composed of letters of a minimum height of two inches (2").

(B) Whenever, in a pharmacy or other establishment holding a Missouri pharmacy permit, a person other than a licensed pharmacist does compound, dispense or in any way provide any drug, medicine or poison pursuant to a lawful prescription, a licensed pharmacist must be physically present within the confines of the dispensing area, able to render immediate assistance and able to determine and correct any errors in the compounding, preparation or labeling of that drug, medicine or poison before the drug, medicine or poison is dispensed or sold. **In any Class J: Shared Service pharmacy where a permit is maintained at a location for the purpose of remote dispensing as defined in 4 CSR 220-2.900 the pharmacist may be considered on duty and present as long as all required electronic connection requirements are maintained and the pharmacist is accessible at all times to respond to patient's or other health professionals' inquiries or requests pertaining to drugs dispensed through the use of the automated pharmacy system.** The pharmacist personally shall inspect and verify the accuracy of the contents of, and the label after it is affixed to, any prescribed drug medicine or poison compounded or dispensed by a person other than a licensed pharmacist.

(8) A home health or hospice agency licensed or certified according to Chapter 197, RSMo, or any licensed nurses of such agency, may possess drugs in the usual course of business of such agency without being licensed as a pharmacist or a pharmacy.

(A) The list of drugs that may be possessed by a home health or hospice agency without a license or permit, as defined in section (8), is as follows:

1. Injectable dosage forms of sodium chloride[,]; **and water [and heparin; heparin shall be possessed only in concentrations for maintaining venous access devices];**

2. Irrigation dosage forms of sodium chloride and water that carry a federal prescription only restriction;

**3. Injectable dosage forms of heparin and alteplase in concentrations that are indicated for maintenance of venous access devices;**

[3.] **4.** Injectable dosage forms of diphenhydramine and epinephrine;

[4.] **5.** Vaccines indicated for public health needs, such as influenza, pneumonia, hepatitis A and hepatitis B; and

[5.] **6.** Tuberculin test material.

(D) When the patient or the patient's representative has been instructed, verbally and in writing, in the performance of routine care procedures, up to a two (2)-week supply of [drugs listed in paragraphs (8)(A)1. and (8)(A)2.] **sodium chloride, water and heparin**, may be left with the patient for these procedures. Drugs left with the patient shall be labeled with instructions for use. A record shall be made of all drugs left with the patient in the patient's medical record. Drugs left with the patient may not be returned to the agency.

*AUTHORITY: sections 338.010, 338.140, 338.240 and 338.280, RSMo 2000 and 338.210, RSMo Supp. 2001. Original rule filed July 18, 1962, effective July 28, 1962. For intervening history, please consult the Code of State Regulations. Amended: Filed Feb. 18, 2003.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Board of Pharmacy, Kevin Kinkade, Executive Director, PO Box 625, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 220—State Board of Pharmacy  
Chapter 2—General Rules**

**PROPOSED AMENDMENT**

**4 CSR 220-2.900 Automated Dispensing and Storage Systems.** The board is proposing to amend sections (1) and subsections (2)(A) and (2)(B), and adding new language in sections (5) and (6).

*PURPOSE: This rule establishes guidelines for the use of automated dispensing and storage systems.*

(1) Automated dispensing and storage systems (hereafter referred to as automated system or system) are hereby defined to include, but are not limited to, mechanical systems that perform operations or activities, relative to the storage, packaging or dispensing of medications, and which collect, control, and maintain all transaction information. Such systems may be used in pharmacies and where a pharmacy permit exists, for maintaining patient care unit medication inventories or for a patient profile dispensing system, provided the utilization of

such devices is under the supervision of a pharmacist. A pharmacist is not required to be physically present at the site of the automated pharmacy system if the system is supervised electronically by a pharmacist. In order to supervise the system, the pharmacist must maintain constant visual and auditory communication with the site and full control of the automated system must be maintained by the pharmacist and shall not be delegated to any other person or entity.

(B) Automated systems that are used within licensed health care facilities shall be used only in settings that ensure medication orders are reviewed by a pharmacist in accordance with established policies and procedures and laws governing the practice of pharmacy. A pharmacist shall control all operations of the automated system and approve the release of the initial dose of a prescription drug order. Subsequent doses from an approved prescription drug order may be removed from the automated system after this initial approval. Any change made in the prescription drug order shall require a new approval by a pharmacist to release the drug.

(C) In ambulatory care settings, a pharmacist must input all information from a prescription or prescription drug order into the electronic data system utilized for the initiation of the dispensing of a drug at a remote site and maintain proper oversight over the entire dispensing process. A pharmacist shall be accessible at all times to respond to patient's or other health professionals' inquiries or requests pertaining to drugs dispensed through the use of the automated pharmacy system. No prescription shall be prepared or dispensed from a remote automated system unless it is from a prescriber providing clinical services at the same location. Labeling of drug containers must be in accordance with section 338.059, RSMo, and application of labels to containers must occur prior to release of the prepared prescription drug from the automated system. Labels shall contain both the name, address and phone number of the supervising pharmacy and the remote dispensing site.

(D) When automated systems are located at remote sites the central pharmacy responsible for the operation and supervision of a remote site must maintain separate and readily retrievable records of all transactions and prescriptions processed by each remote automated system. Remote automated sites must provide the name, address and toll free telephone number of the supervising pharmacy displayed on the automated dispensing system in a prominent location.

[(C)] (E) Automated systems shall maintain adequate security systems and procedures to prevent unauthorized access or use and shall at all times maintain compliance with all state and federal drug laws including all controlled substance requirements and patient confidentiality laws.

1. Any remote automated system that stocks controlled substances must maintain a perpetual inventory from each site.

2. Automated systems in ambulatory care settings must be located in an area that will provide adequate space for private consultations to occur and must only be installed within the same area utilized by the prescriber for the provision of clinical services.

[(D)] (F) Restocking of automated systems shall be done by registered technicians under the supervision of a pharmacist or by a pharmacist.

[(E)] (G) All events involving access to the contents of the automated system must be recorded electronically.

[(F)] (H) No medication or device shall be returned directly to the system for reissue or reuse by a person not licensed or registered by the board of pharmacy.

[(G)] (I) Quality assurance documentation for the use and performance of the automated systems shall be maintained for a minimum period of two (2) years and shall include at a minimum the following:

1. Breach of security of the automated system;

2. Failure of the system to operate correctly along with the frequency of any failures and the necessary repairs completed;

3. Tests completed to measure the effectiveness and accuracy of the system every six (6) months and whenever any upgrade or change is made to the system.

(J) Drugs that are repackaged for use in automated systems must comply with 4 CSR 220-2.130 Drug Repackaging requirements.

(K) If an automated system uses removable cartridges or containers to hold drugs, the prepackaging of the cartridges or containers must occur at the pharmacy where the original inventory is maintained unless provided by a Federal Drug Administration (FDA) approved repackager and who is licensed as a drug distributor. The prepackaged cartridges or containers may be sent to the automated system to be loaded into the machine by registered technicians under the supervision of a pharmacist or by a pharmacist provided that—

1. A pharmacist has verified the container has been properly filled and labeled;

2. The individual containers are transported to the automated system in a secure, tamper-evident container; and

3. The automated system utilizes technologies to ensure that the containers are accurately loaded in the automated system.

(L) Any pharmacy that maintains an automated system for remote dispensing to ambulatory patients must maintain a video camera and audio system to provide for effective communication between pharmacy personnel and consumers. It must be a system that will allow for the appropriate exchange of oral as well as written communications to facilitate patient counseling as provided in 4 CSR 220-2.190 and other matters involved in the correct transaction or provision of drugs.

1. Video monitors used for the proper identification and communication with persons receiving prescription drugs shall be a minimum of twelve inches (12") wide and provided at both the pharmacy and remote location for direct visual contact between pharmacist and patient.

2. Both the video monitor and the audio system must be in good working order or operations utilizing the automated system shall cease until appropriate corrections or repairs are made to the system(s).

3. Backlighting or other factors that may inhibit video or audio performance must be taken into account when using such systems to identify recipients of prescription drugs. Positive identification of recipients must be made before any drug is delivered.

(2) Each automated system shall maintain a manual of policies and procedures that, at a minimum, shall include the following:

(A) System operations that include specific and measurable accountability for safety, security, accuracy, patient confidentiality, access, data retention and retrieval, downtime procedures, emergency or first dose procedures, inspection of systems by pharmacy personnel, installation requirements, maintenance, medication security, quality assurance, inventory levels and control, staff education and training and system set-up and malfunction.

(B) Documentation by the automated system for on-site patient administration and remote dispensing of medications that includes specific identification of patients, medications used along with dates and times the system is utilized.

(5) Pharmacies that maintain automated sites for dispensing drugs to ambulatory patients shall maintain a Class J: Shared Service classification on each pharmacy permit involved in such activity.

(6) The supervising pharmacy shall have sufficient pharmacists on duty such that each pharmacist may supervise no more than three (3) remote sites that are simultaneously open to provide



services. An exception to the supervision limit may be granted by the board in situations where the provider has documented a need for a pharmacist to supervise additional remote sites and has demonstrated that appropriate safeguards are in place to assure proper supervision of each remote site.

*AUTHORITY:* sections 338.210 and 338.220, *RSMo Supp. 2001* and 338.280, *RSMo 2000*. Original rule filed Nov. 1, 2000, effective June 30, 2001. Amended: Filed Feb. 18, 2003.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the State Board of Pharmacy, Kevin Kinkade, Executive Director, PO Box 625, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 235—State Committee of Psychologists  
Chapter 1—General Rules**

**PROPOSED AMENDMENT**

**4 CSR 235-1.020 Fees.** The board is proposing to amend section (1).

*PURPOSE:* This amendment requires examination fees be submitted directly to the testing service. This rule is also being amended pursuant to section 337.085, *RSMo*, which states the committee shall by rule and regulation set the amount of fees authorized by Chapter 337, *RSMo* so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of Chapter 337, *RSMo*.

(1) The following fees are established for the State Committee of Psychologists and are payable to the State Committee of Psychologists:

[(B)] EPPP Fee	\$450.00]
[(C)] (B) Oral Examination Fee	[\$100.00] <b>\$50.00</b>
[(D)] (C) Jurisprudence Examination Fee	\$50.00
[(E)] (D) Reexamination Fees—	
[1. EPPP Fee	\$450.00]
[2.] 1. Oral Examination Fee	[\$100.00] <b>\$50.00</b>
[3.] 2. Jurisprudence Examination Fee	\$ 50.00
[(F)] (E) Biennial Renewal Fee	[\$300.00] <b>\$275.00</b>
[(G)] (F) Delinquency Fee (effective February 1 after each renewal period, in addition to the Renewal Fee)	\$150.00
[(H)] (G) Licensure Verification/Transfer of Score to Other States Fee	\$ 25.00
[(I)] (H) Replacement of Wall-Hanging License Fee	\$ 25.00
[(J)] (I) Insufficient Funds Check Service Charge	[\$50.00] <b>\$25.00</b>
[(K)] (J) Prior Review Fee (educational experience)	[\$100.00] <b>\$50.00</b>
[(L)] (K) Prior Review Fee (postdegree supervision)	[\$100.00] <b>\$50.00</b>
[(M)] (L) Health Service Provider Application Fee	\$100.00
[(N)] (M) Health Service Provider Biennial Renewal Fee	[\$100.00.] <b>\$50.00/.</b>

*AUTHORITY:* sections 337.030.4 and 337.050, *RSMo 2000*. Emergency rule filed Dec. 9, 1981, effective Jan. 11, 1982, expired April 4, 1982. Original rule filed Dec. 9, 1981, effective April 4, 1982. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Feb. 18, 2003.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment is estimated to save private entities an estimated two thousand seven hundred fifty dollars (\$2,750) annually and seventy-seven thousand five hundred dollars (\$77,500) biennially for the life of the rule. It is anticipated that the total savings will recur, may vary with inflation and are expected to decrease at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the savings of compliance with this rule, has been filed with the secretary of state.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri State Committee of Psychologists, PO Box 1335, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

## FISCAL NOTE PRIVATE ENTITY COST

### I. RULE NUMBER

**Title:** 4 – Department of Economic Development

**Division:** Division 235—State Committee of Psychologists

**Chapter:** Chapter 1 – General Rules

**Type of Rulemaking:** Proposed Amendment

**Rule Number and Name:** 4 CSR 235-1.020

Prepared December 12, 2002 by the Division of Professional Registration

### II. SUMMARY OF FISCAL IMPACT

Annual Cost Savings Beginning in FY03

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate annual cost of compliance with the rule by the affected entities:
50	Oral Examination Fee (\$50 decrease)	\$2,500
3	Prior Review of Supervision (\$50 decrease)	\$150
2	Prior Review of Education (\$50 decrease)	\$100
<b>Total annual cost savings for the life of the rule</b>		<b>\$2,750</b>

Biennial Cost Savings Beginning in FY04

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate annual cost of compliance with the rule by the affected entities:
1700	Renewal Fee – Psychologist License (\$25 decrease)	\$42,500
700	Renewal Fee – Health Service Provider Certification (\$50 decrease)	\$35,000
<b>Total biennial cost saving for the life of the rule</b>		<b>\$77,500</b>

### III. WORKSHEET

See worksheet above.

### IV. ASSUMPTIONS

1. The above figures were based on FY02 actuals and FY03 projections.
2. It is anticipated that the total savings will recur for the life, may vary with inflation and is expected to decrease at the rate projected by the Legislative Oversight Committee.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 120—New Manufactured Homes**

**PROPOSED RULE**

**4 CSR 240-120.140 New Manufactured Home Manufacturer's  
Inspection Fee**

*PURPOSE:* This rule provides for payment of an inspection fee by manufacturers of new manufactured homes for each home delivered to dealers in the state of Missouri pursuant to section 700.040, RSMo.

(1) The commission establishes an inspection fee to be assessed on all new manufactured homes delivered or sold to dealers in the state of Missouri which shall be paid by the manufacturer of each home. Said inspection fee shall be thirty dollars (\$30) for each home each manufacturer delivers or sells to a dealer in the state of Missouri.

(2) Manufacturers of new manufactured homes shall remit to the director on a monthly basis an amount that equals the number of new manufactured homes delivered or sold to dealers in the state of Missouri, multiplied by thirty dollars (\$30). Each manufacturer shall submit said fee with any monthly delivery reports, or other filing, or documentation as may be required by the commission. Said fee shall be received no later than the tenth day following the month in which new manufactured homes were delivered or sold to dealers in the state of Missouri.

(3) The following situations shall constitute grounds for the denial, suspension, revocation, or placing on probation of a manufacturer's certificate of registration:

(A) Failure to pay the inspection fee within thirty (30) days of their prescribed due date;

(B) Failure to pay the inspection fee by the prescribed due date for two (2) consecutive months; or

(C) Failure to pay the inspection fee by the prescribed due date for any four (4) of the preceding twelve (12) months.

(4) The director shall deliver copies of the commission's order establishing the new manufactured home manufacturer's inspection fee to all existing registered manufacturers. The director shall also deliver a copy of the commission's order establishing the fee with each approved certificate of manufacturer registration.

*AUTHORITY:* sections 700.040 and 700.115, RSMo 2000. Emergency rule filed Jan. 24, 2003, effective Feb. 3, 2003, expires Aug. 1, 2003. Original rule filed Feb. 27, 2003.

*PUBLIC COST:* This proposed rule will cost state agencies or political subdivisions less than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed rule will cost private entities approximately one hundred twenty thousand dollars (\$120,000) annually in the aggregate.

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:* Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before April 17, 2003, and should include a reference to Commission Case No. MX-2003-0187. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and infor-

mation system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for April 23, 2003, at 9:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

**FISCAL NOTE  
PRIVATE ENTITY COST****I. RULE NUMBER**

Title: \_\_\_\_\_ 4 \_\_\_\_\_

Division: \_\_\_\_\_ 240 Public Service Commission \_\_\_\_\_

Chapter: \_\_\_\_\_ 120 New Manufactured Homes \_\_\_\_\_

Type of Rulemaking: \_\_\_\_\_ Proposed Rule \_\_\_\_\_

Rule Number and Name: 4 CSR 240.120.140 New Manufactured Home Manufacturer's Inspection Fee**II. SUMMARY OF FISCAL IMPACT**

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classifications by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities
There are approximately 90 active manufacturers	Manufactured Housing Manufacturers	\$120,000 in the first year and a similar amount in succeeding years.

**III. WORKSHEET**

1. Fiscal Year 2002 dollars were used to estimate costs. No adjustment for inflation has been applied.
2. 4,000 homes @ \$30 per home = \$120,000.

**IV. ASSUMPTIONS**

1. The Missouri Public Service Commission (MoPSC) will inspect manufactured homes to assure compliance with this rule.
2. This estimate is made for this rule on a stand-alone basis.
3. Affected entities are assumed to be in compliance with all other MoPSC rules and regulations.
4. Approximately 4,000 homes were shipped or delivered to Missouri Dealers during FY 2002.



**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 123—Modular Units**

**PROPOSED AMENDMENT**

**4 CSR 240-123.030 Seals.** The commission proposes to amend subsections (3)(A) and (B) and section (9).

*PURPOSE: This proposed amendment increases the fees for seals and replacement seals for modular units.*

(3) To be complete, an application for seals to be affixed to modular units manufactured or to be manufactured under an approved manufacturing program shall be executed by the manufacturer (or the manufacturer's authorized representative if the manufacturer is a corporation) of the modular unit to which the requested seals will be affixed and shall include:

(A) An affidavit of the applicant or the applicant's authorized representative if the applicant is a corporation, certifying that each requested seal will be a affixed only to modular units manufactured under an approved manufacturing program and that each modular unit to which a requested seal will be affixed will comply with the code at the time it is rented, leased, sold or offered for rent, lease, or sale by the applicant. **Each new modular unit sold or placed in the state must contain the applicable seal as specified in this section;** and

(B) A nonrefundable fee of *[eighty dollars (\$80)]* **one hundred ten dollars (\$110)** for each seal requested.

(9) Any person to whom a seal has been issued or who owns a modular unit to which a seal or approved insignia has been affixed may apply for the replacement of such seal or approved insignia if it becomes lost, mutilated or otherwise unserviceable. Applications for replacement seals shall be made on the same forms and in the same manner as applications for seals are made under this rule. A fee of *[twenty dollars (\$20)]* **forty dollars (\$40)** shall be charged for a replacement seal.

*AUTHORITY: section 700.040, RSMo 2000. Original rule filed Aug. 16, 1979, effective Dec. 15, 1979. Amended: Filed Oct. 12, 1982, effective Jan. 13, 1983. Amended: Filed June 12, 2001, effective Jan. 30, 2002. Emergency amendment filed Jan. 24, 2003, effective Feb. 3, 2003, expires Aug. 1, 2003. Amended: Filed Feb. 27, 2003.*

*PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions less than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will cost private entities approximately forty-eight thousand dollars (\$48,000) annually in the aggregate.*

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** *Anyone may file comments in support of or in opposition to this proposed amendment with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before April 17, 2003, and should include a reference to commission Case No. MX-2003-0187. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed amendment is scheduled for April 23, 2003, at 9:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at*

*this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed amendment, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.*

**FISCAL NOTE  
PRIVATE ENTITY COST****I. RULE NUMBER**Title: 4Division: 240 Public Service CommissionChapter: 123 Modular UnitsType of Rulemaking: Proposed AmendmentRule Number and Name: 4 CSR 240.123.030 Seals**II. SUMMARY OF FISCAL IMPACT**

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classifications by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
There are approximately 92 active manufacturers.	Modular Unit Manufacturers	Estimate \$48,000 in the first year and a similar amount in succeeding years.

**III. WORKSHEET**

1. Fiscal Year 2002 dollars were used to estimate costs. No adjustment for inflation has been applied.
2. 1,600 seals (purchased in FY 2002) x \$30 (increase) = \$48,000.

**IV. ASSUMPTIONS**

1. Modular Unit Manufacturers are required to purchase and affix a seal to all homes shipped into the state.
2. The MoPSC will inspect modular units to assure compliance with this rule.
3. This estimate is made for this rule on a stand-alone basis.
4. Affected entities are assumed to be in compliance with all other MoPSC rules and regulations.
5. Fiscal Year 2002 dollars were used, 1,600 seals of compliance were purchased for all modular units.

**Title 8—DEPARTMENT OF LABOR  
AND INDUSTRIAL RELATIONS  
Division 10—Division of Employment Security  
Chapter 3—Unemployment Insurance**

**PROPOSED AMENDMENT**

**8 CSR 10-3.010 Registration and Claims in General.** The division proposes to revise section (3), add a new section (5) and renumber the remaining sections accordingly.

*PURPOSE: This amendment clarifies the participants in the Interstate Benefit Payment Plan and provides for ineligibility when it is determined that a claimant's failure to provide a correct Social Security number was a willful misrepresentation or a willful failure to disclose the correct number.*

(3) A valid initial, renewed, reopened or weekly claim for benefits for purposes of section 288.040, RSMo, is one filed with the division in the prescribed manner from an originating point within the geographical area of a state or contiguous country participating under the Interstate Benefit Payment Plan. **The parties to this agreement, in addition to the fifty (50) States of the United States of America, are the District of Columbia, Puerto Rico, the Virgin Islands and the Dominion of Canada.**

(5) If it is determined that a claimant knowingly provided the division with a Social Security number not assigned to that claimant by the Social Security Administration when filing an initial claim for benefits, the claimant shall be held ineligible to receive benefits for any week otherwise payable during that benefit year.

[[5]] (6) A valid claim for benefits, for purposes of section 288.040, RSMo, may include electronic methods, properly completed, signed by the claimant if necessary, filed within twenty-eight (28) calendar days after the last day of the most recent week claimed or the last day of the week in which an initial, renewed or reopened claim was filed and for which all reporting requirements have been met.

[[6]] (7) In order to claim waiting week credit or benefits for a week the claimant must file an otherwise valid claim within twenty-eight (28) calendar days after the end of the week being claimed. The twenty-eight (28) calendar day period may be extended for good cause. If good cause is not found, the claimant's claim for that week shall not constitute a valid claim for benefits under section 288.040, RSMo.

[[7]] (8) If during a benefit year a claimant does not file a claim for benefits, within twenty-eight (28) calendar days after the end of the last week claimed (or the end of the last week in which an initial, renewed or reopened claim was filed), the claimant must file a renewed claim if the claimant has had intervening employment or a reopened claim if the claimant has not. The twenty-eight (28) calendar day period may be extended for good cause. If good cause is not found, the claimant's claims for benefits for the period from the most recent week claimed (prior to the renewing/reopening of the claim) through the week ending just prior to the renewing or reopening of the claim shall not constitute valid claims for benefits under section 288.040, RSMo.

[[8]] (9) A benefit week under this rule begins on Sunday and ends on Saturday, except that a claimant who has been filing claims under 8 CSR 10-3.020 or 8 CSR 10-3.040 shall use the same type of week-long period for further claims in the same series.

[[9]] (10) A week of unemployment beginning in a benefit year shall be treated as having occurred wholly in that benefit year.

[[10]] (11) A claimant must report to an employment office as defined under section 288.030(16), RSMo, unless the claimant is ill or employed, or for good cause shown.

[[11]] (12) A claimant shall be held ineligible to receive benefits if the claimant fails to comply with this regulation and will remain ineligible until the noncompliance has ceased.

[[12]] (13) For the purpose of 8 CSR 10-3, good cause shall be only those circumstances which are beyond the reasonable control of the claimant and then only if the claimant acts as soon as practical.

*AUTHORITY: sections 288.040, 288.070 and 288.220.5, RSMo 2000. Original rule filed Sept. 30, 1946, effective Oct. 10, 1946. For intervening history, please consult the Code of State Regulations. Amended: Filed Feb. 18, 2003.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Division of Employment Security, Attn: Gracia Y. Backer, Director, PO Box 59, Jefferson City, MO 65104-0059. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 10—Air Conservation Commission  
Chapter 2—Air Quality Standards and Air Pollution  
Control Rules Specific to the Kansas City  
Metropolitan Area**

**PROPOSED AMENDMENT**

**10 CSR 10-2.070 Restriction of Emission of Odors.** The commission proposes to amend subsection (4)(C). If the commission adopts this rule action, it will be the department's intention not to submit this rule action to the U.S. Environmental Protection Agency for inclusion in the Missouri State Implementation Plan because there is no equivalent federal rule. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address and phone number listed in the Notice of Public Hearing at the end of this rule.

*PURPOSE: The odor detection threshold level in the concentrated animal feeding operation odor rules came under question by industry. This proposed amendment addresses this issue by revising the odor detection threshold level in the Kansas City area odor rule by incorporating new data on concentrated animal feeding operations. The odor detection threshold level in the rule would change from its current value of 7 to a value that correlates to a 7:1 scentometer level. The evidence supporting the need for this proposed rulemaking, per section 536.016, RSMo, is industry information and monitoring data dated October 2, 2001 and the Missouri Air Conservation Commission December 6, 2001 and February 6, 2002 Meeting Minutes.*

(4) Control of Odors from Class 1A Concentrated Animal Feeding Operations.

(C) After January 1, 2002, no Class 1A concentrated animal feeding operation may cause, permit or allow the emission of odorous matter—

1. In concentrations and frequencies or for durations that the odor can be perceived when one (1) volume of odorous air is diluted with five and four-tenths (5.4) volumes of odor-free air for two (2) separate trials not less than fifteen (15) minutes apart within the period of one (1) hour. This odor evaluation shall be taken at a site not at the installation and will be used as a screening evaluation. A positive screening evaluation for odor shall require an odor sample to be taken and evaluated by olfactometry as described in paragraph (4)(C)2. of this rule. These measurements may be made with a Scentometer as manufactured by the Barnebey & Sutcliffe Corporation or by a similar technique that will give equivalent results, as agreed to at the time by the source operator and the staff director; and

2. When one (1) of the following conditions is met:

A. In concentrations with a best estimate detection threshold, represented as  $Z_{OL} \geq [7] 110$ , as determined using American Society for Testing and Materials Standard E 679-91 (Reapproved 1997) at an olfactometer flow rate of twenty (20) liters per minute; or

B. At intensities greater than that of two hundred twenty-five (225) parts per million of n-butanol odorant in air, which serves as the reference scale, as determined by an olfactometry panel evaluation of a sample of the odorous air.

**AUTHORITY:** section 643.050, RSMo [Supp. 1997] 2000. Original rule filed Dec. 26, 1968, effective Jan. 5, 1969. Amended: Filed March 26, 1970, effective April 5, 1970. Amended: Filed Aug. 15, 1983, effective Jan. 13, 1984. Amended: Filed Nov. 2, 1998, effective July 30, 1999. Amended: Filed Feb. 14, 2003.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** A public hearing on this proposed amendment will begin at 9:00 a.m., April 24, 2003. The public hearing will be held at the Travelers Inn Bed & Breakfast, Ballroom, 301 W. Washington, Kirksville, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Written request to be heard should be submitted at least seven (7) days prior to the hearing to Director, Missouri Department of Natural Resources' Air Pollution Control Program, 205 Jefferson Street, PO Box 176, Jefferson City, MO 65102-0176, (573) 751-4817. Interested persons, whether or not heard, may submit a written statement of their views until 5:00 p.m., May 1, 2003. Written comments shall be sent to Chief, Planning Section, Missouri Department of Natural Resources' Air Pollution Control Program, 205 Jefferson Street, PO Box 176, Jefferson City, MO 65102-0176.

**Title 10—DEPARTMENT OF NATURAL RESOURCES**  
**Division 10—Air Conservation Commission**  
**Chapter 2—Air Quality Standards and Air Pollution**  
**Control Rules Specific to the Kansas City Metropolitan Area**

**PROPOSED AMENDMENT**

**10 CSR 10-2.390 Conformity to State or Federal Implementation Plans of Transportation Plans, Programs, and Projects Developed, Funded or Approved Under Title 23 U.S.C. or the Federal Transit Laws.** The commission proposes to amend section (2) to add new subsection (2)(D), amend section (17), amend subsection (4)(E), and amend subsection (6)(C). If the commission adopts this rule action, it will be submitted to the U.S.

Environmental Protection Agency to replace the current rule in the Missouri State Implementation Plan. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address and phone number listed in the Notice of Public Hearing at the end of this rule.

**PURPOSE:** The amendment makes a minor revision to the 18-month requirement for initial state implementation plan submissions, adds a grace period for newly designated nonattainment areas, and a text correction. The evidence supporting the need for this proposed rule-making, per section 536.016, RSMo, is the August 6, 2002 **Federal Register Notice**.

(2) Applicability.

**(D) Grace Period For New Nonattainment Areas.** For areas or portions of areas which have been continuously designated attainment or not designated for any standard for ozone, CO, PM<sub>10</sub> or NO<sub>2</sub> since 1990 and are subsequently redesignated to nonattainment or designated nonattainment for any standard for any of these pollutants, the provisions of this rule shall not apply with respect to that standard for twelve (12) months following the effective date of final designation to nonattainment for each standard for such pollutant.

(4) Frequency of Conformity Determinations.

(E) Triggers for Transportation Plan and TIP Conformity Determinations. Conformity of existing transportation plans and TIPs must be redetermined within eighteen (18) months of the following, or the existing conformity determination will lapse, and no new project-level conformity determinations may be made until conformity of the transportation plan and TIP has been determined by the MPO and DOT—

1. November 24, 1993;

2. [The date of the state's initial submission to EPA of each control strategy implementation plan or maintenance plan establishing a motor vehicle emissions budget] The effective date of EPA's finding that motor vehicle emissions budgets from an initially submitted control strategy implementation plan or maintenance plan are adequate pursuant to subsection (16)(E) and can be used for transportation conformity purposes;

3. EPA approval of a control strategy implementation plan revision or maintenance plan which establishes or revises a motor vehicle emissions budget;

4. EPA approval of an implementation plan revision that adds, deletes, or changes TCMs; and

5. EPA promulgation of an implementation plan which establishes or revises a motor vehicle emissions budget or adds, deletes, or changes TCMs.

(6) Content of Transportation Plans.

(C) Transportation Plans for Other Areas. Transportation plans for other areas must meet the requirements of subsection (6)(A) of this rule at least to the extent it has been the previous practice of the MPO to prepare plans which meet those requirements. Otherwise, transportation plans must describe the transportation system envisioned for the future and must be sufficiently described within the transportation plans so that a conformity determination can be made according to the criteria and procedures of sections (9)–(17).

(17) Criteria and Procedures—Emission Reductions in Area without Motor Vehicle/s/ Emissions Budgets.

**AUTHORITY:** section 643.050, RSMo [Supp. 1997] 2000. Original rule filed Oct. 4, 1994, effective May 28, 1995. Amended: Filed May 1, 1996, effective Dec. 30, 1996. Amended: Filed June 15, 1998, effective Jan. 30, 1999. Amended: Filed Feb. 14, 2003.



*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** A public hearing on this proposed amendment will begin at 9:00 a.m., April 24, 2003. The public hearing will be held at the Travelers Inn Bed & Breakfast, Ballroom, 301 W. Washington, Kirksville, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Written request to be heard should be submitted at least seven (7) days prior to the hearing to Director, Missouri Department of Natural Resources' Air Pollution Control Program, 205 Jefferson Street, PO Box 176, Jefferson City, MO 65102-0176, (573) 751-4817. Interested persons, whether or not heard, may submit a written statement of their views until 5:00 p.m., May 1, 2003. Written comments shall be sent to Chief, Planning Section, Missouri Department of Natural Resources' Air Pollution Control Program, 205 Jefferson Street, PO Box 176, Jefferson City, MO 65102-0176.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 10—Air Conservation Commission  
Chapter 3—Air Pollution Control Rules Specific to the  
Outstate Missouri Area**

**PROPOSED AMENDMENT**

**10 CSR 10-3.090 Restriction of Emission of Odors.** The commission proposes to amend subsection (5)(C). If the commission adopts this rule action, it will be the department's intention not to submit this rule action to the U.S. Environmental Protection Agency for inclusion in the Missouri State Implementation Plan because there is no equivalent federal rule. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address and phone number listed in the Notice of Public Hearing at the end of this rule.

*PURPOSE: The odor detection threshold level in the concentrated animal feeding operation odor rules came under question by industry. This proposed amendment addresses this issue by revising the odor detection threshold level in the outstate Missouri area odor rule by incorporating new data on concentrated animal feeding operations. The odor detection threshold level in the rule would change from its current value of 7 to a value that correlates to a 7:1 scentometer level. The evidence supporting the need for this proposed rulemaking, per section 536.016, RSMo, is industry information and monitoring data dated October 2, 2001 and the Missouri Air Conservation Commission December 6, 2001 and February 6, 2002 Meeting Minutes.*

(5) Control of Odors from Class 1A Concentrated Animal Feeding Operations.

(C) After January 1, 2002, no Class 1A concentrated animal feeding operation may cause, permit or allow the emission of odorous matter—

1. In concentrations and frequencies or for durations that the odor can be perceived when one (1) volume of odorous air is diluted with five and four-tenths (5.4) volumes of odor-free air for two (2) separate trials not less than fifteen (15) minutes apart within the period of one (1) hour. This odor evaluation shall be taken at a site not at the installation and will be used as a screening evaluation. A positive screening evaluation for odor shall require an odor sample

to be taken and evaluated by olfactometry as described in paragraph (5)(C)2. of this rule. These measurements may be made with a Scentometer as manufactured by the Barnebey & Sutcliffe Corporation or by a similar technique that will give equivalent results, as agreed to at the time by the source operator and the staff director; and

2. When one (1) of the following conditions is met:

A. In concentrations with a best estimate detection threshold, represented as  $Z_{OL} \geq [7]$  110, as determined using American Society for Testing and Materials Standard E 679-91 (Reapproved 1997) at an olfactometer flow rate of twenty (20) liters per minute; or

B. At intensities greater than that of two hundred twenty-five (225) parts per million of n-butanol odorant in air, which serves as the reference scale, as determined by an olfactometry panel evaluation of a sample of the odorous air.

*AUTHORITY: section 643.050, RSMo [Supp. 1997] 2000. Original rule filed July 13, 1971, effective July 23, 1971. Amended: Filed Jan. 31, 1972, effective Feb. 10, 1972. Amended: Filed Aug. 15, 1983, effective Jan. 13, 1984. Amended: Filed Nov. 2, 1998, effective July 30, 1999. Amended: Filed Feb. 14, 2003.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** A public hearing on this proposed amendment will begin at 9:00 a.m., April 24, 2003. The public hearing will be held at the Travelers Inn Bed & Breakfast, Ballroom, 301 W. Washington, Kirksville, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Written request to be heard should be submitted at least seven (7) days prior to the hearing to Director, Missouri Department of Natural Resources' Air Pollution Control Program, 205 Jefferson Street, PO Box 176, Jefferson City, MO 65102-0176, (573) 751-4817. Interested persons, whether or not heard, may submit a written statement of their views until 5:00 p.m., May 1, 2003. Written comments shall be sent to Chief, Planning Section, Missouri Department of Natural Resources' Air Pollution Control Program, 205 Jefferson Street, PO Box 176, Jefferson City, MO 65102-0176.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 10—Air Conservation Commission  
Chapter 4—Air Quality Standards and Air Pollution  
Control Regulations for the Springfield-Greene County  
Area**

**PROPOSED AMENDMENT**

**10 CSR 10-4.070 Restriction of Emission of Odors.** The commission proposes to amend subsection (4)(C). If the commission adopts this rule action, it will be the department's intention not to submit this rule action to the U.S. Environmental Protection Agency for inclusion in the Missouri State Implementation Plan because there is no equivalent federal rule. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address and phone number listed in the Notice of Public Hearing at the end of this rule.

*PURPOSE: The odor detection threshold level in the concentrated animal feeding operation odor rules came under question by industry.*

*This proposed amendment addresses this issue by revising the odor detection threshold level in the Springfield-Greene County area odor rule by incorporating new data on concentrated animal feeding operations. The odor detection threshold level in the rule would change from its current value of 7 to a value that correlates to a 7:1 scentometer level. The evidence supporting the need for this proposed rulemaking, per section 536.016, RSMo, is industry information and monitoring data dated October 2, 2001 and the Missouri Air Conservation Commission December 6, 2001 and February 6, 2002 Meeting Minutes.*

(4) Control of Odors from Class 1A Concentrated Animal Feeding Operations.

(C) After January 1, 2002, no Class 1A concentrated animal feeding operation may cause, permit or allow the emission of odorous matter—

1. In concentrations and frequencies or for durations that the odor can be perceived when one (1) volume of odorous air is diluted with five and four-tenths (5.4) volumes of odor-free air for two (2) separate trials not less than fifteen (15) minutes apart within the period of one (1) hour. This odor evaluation shall be taken at a site not at the installation and will be used as a screening evaluation. A positive screening evaluation for odor shall require an odor sample to be taken and evaluated by olfactometry as described in paragraph (4)(C)2. of this rule. These measurements may be made with a Scentometer as manufactured by the Barnebey & Sutcliffe Corporation or by a similar technique that will give equivalent results, as agreed to at the time by the source operator and the staff director; and

2. When one (1) of the following conditions is met:

A. In concentrations with a best estimate detection threshold, represented as  $Z_{OL} \geq 7/110$ , as determined using American Society for Testing and Materials Standard E 679-91 (Reapproved 1997) at an olfactometer flow rate of twenty (20) liters per minute; or

B. At intensities greater than that of two hundred twenty-five (225) parts per million of n-butanol odorant in air, which serves as the reference scale, as determined by an olfactometry panel evaluation of a sample of the odorous air.

**AUTHORITY:** section 643.050, RSMo [Supp. 1997] 2000. Original rule filed Dec. 5, 1969, effective Dec. 15, 1969. Amended: Filed Aug. 15, 1983, effective Jan. 13, 1984. Amended: Filed Nov. 2, 1998, effective July 30, 1999. Amended: Filed Feb. 14, 2003.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** A public hearing on this proposed amendment will begin at 9:00 a.m., April 24, 2003. The public hearing will be held at the Travelers Inn Bed & Breakfast, Ballroom, 301 W. Washington, Kirksville, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Written request to be heard should be submitted at least seven (7) days prior to the hearing to Director, Missouri Department of Natural Resources' Air Pollution Control Program, 205 Jefferson Street, PO Box 176, Jefferson City, MO 65102-0176, (573) 751-4817. Interested persons, whether or not heard, may submit a written statement of their views until 5:00 p.m., May 1, 2003. Written comments shall be sent to Chief, Planning Section, Missouri Department of Natural Resources' Air Pollution Control Program, 205 Jefferson Street, PO Box 176, Jefferson City, MO 65102-0176.

## Title 10—DEPARTMENT OF NATURAL RESOURCES

### Division 10—Air Conservation Commission

#### Chapter 5—Air Quality Standards and Air Pollution Control Rules Specific to the St. Louis Metropolitan Area

#### PROPOSED AMENDMENT

**10 CSR 10-5.160 Control of Odors in the Ambient Air.** The commission proposes to amend subsection (3)(C). If the commission adopts this rule action, it will be the department's intention not to submit this rule action to the U.S. Environmental Protection Agency for inclusion in the Missouri State Implementation Plan because there is no equivalent federal rule. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address and phone number listed in the Notice of Public Hearing at the end of this rule.

**PURPOSE:** *The odor detection threshold level in the concentrated animal feeding operation odor rules came under question by industry. This proposed amendment addresses this issue by revising the odor detection threshold level in the St. Louis area odor rule by incorporating new data on concentrated animal feeding operations. The odor detection threshold level in the rule would change from its current value of 7 to a value that correlates to a 7:1 scentometer level. The evidence supporting the need for this proposed rulemaking, per section 536.016, RSMo, is industry information and monitoring data dated October 2, 2001 and the Missouri Air Conservation Commission December 6, 2001 and February 6, 2002 Meeting Minutes.*

(3) Control of Odors from Class 1A Concentrated Animal Feeding Operations.

(C) After January 1, 2002, no Class 1A concentrated animal feeding operation may cause, permit or allow the emission of odorous matter, beyond the property boundary of the facility or beyond the property boundary of a remote spreading location—

1. In concentrations and frequencies or for durations that the odor can be perceived when one (1) volume of odorous air is diluted with five and four-tenths (5.4) volumes of odor-free air for two (2) separate trials not less than fifteen (15) minutes apart within the period of one (1) hour. This odor evaluation shall be taken at a site not at the installation and will be used as a screening evaluation. A positive screening evaluation for odor shall require an odor sample to be taken and evaluated by olfactometry as described in paragraph (3)(C)2. of this rule. These measurements may be made with a Scentometer as manufactured by the Barnebey & Sutcliffe Corporation or by a similar technique that will give equivalent results, as agreed to at the time by the source operator and the staff director; and

2. When one (1) of the following conditions is met:

A. In concentrations with a best estimate detection threshold, represented as  $Z_{OL} \geq 7/110$ , as determined using American Society for Testing and Materials Standard E 679-91 (Reapproved 1997) at an olfactometer flow rate of twenty (20) liters per minute; or

B. At intensities greater than that of two hundred twenty-five (225) parts per million of n-butanol odorant in air, which serves as the reference scale, as determined by an olfactometry panel evaluation of a sample of the odorous air.

**AUTHORITY:** section 643.050, RSMo [Supp. 1997] 2000. Original rule filed March 14, 1967, effective March 24, 1967. Amended: Filed Aug. 15, 1983, effective Jan. 13, 1984. Amended: Filed Nov. 2, 1998, effective July 30, 1999. Amended: Filed Feb. 14, 2003.



**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** A public hearing on this proposed amendment will begin at 9:00 a.m., April 24, 2003. The public hearing will be held at the Travelers Inn Bed & Breakfast, Ballroom, 301 W. Washington, Kirksville, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Written request to be heard should be submitted at least seven (7) days prior to the hearing to Director, Missouri Department of Natural Resources' Air Pollution Control Program, 205 Jefferson Street, PO Box 176, Jefferson City, MO 65102-0176, (573) 751-4817. Interested persons, whether or not heard, may submit a written statement of their views until 5:00 p.m., May 1, 2003. Written comments shall be sent to Chief, Planning Section, Missouri Department of Natural Resources' Air Pollution Control Program, 205 Jefferson Street, PO Box 176, Jefferson City, MO 65102-0176.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 10—Air Conservation Commission  
Chapter 5—Air Quality Standards and Air Pollution  
Control Rules Specific to the St. Louis Metropolitan  
Area**

**PROPOSED AMENDMENT**

**10 CSR 10-5.480 Conformity to State or Federal Implementation Plans of Transportation Plans, Programs, and Projects Developed, Funded or Approved Under Title 23 U.S.C. or the Federal Transit Laws.** The commission proposes to amend section (2) to add new subsection (2)(D), amend subsection (4)(E), and amend subsection (6)(C). If the commission adopts this rule action, it will be submitted to the U.S. Environmental Protection Agency to replace the current rule in the Missouri State Implementation Plan. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address and phone number listed in the Notice of Public Hearing at the end of this rule.

**PURPOSE:** The amendment makes a minor revision to the 18-month requirement for initial state implementation plan submissions, adds a grace period for newly designated nonattainment areas, and a text correction. The evidence supporting the need for this proposed rulemaking, per section 536.016, RSMo, is the August 6, 2002 *Federal Register* Notice.

(2) Applicability.

(D) Grace period for new nonattainment areas. For areas or portions of areas which have been continuously designated attainment or not designated for any standard for ozone, CO, PM<sub>10</sub> or NO<sub>2</sub> since 1990 and are subsequently redesignated to nonattainment or designated nonattainment for any standard for any of these pollutants, the provisions of this rule shall not apply with respect to that standard for twelve (12) months following the effective date of final designation to nonattainment for each standard for such pollutant.

(4) Frequency of Conformity Determinations.

(E) Triggers for Transportation Plan and TIP Conformity Determinations. Conformity of existing transportation plans and TIPs must be redetermined within eighteen (18) months of the following, or the existing conformity determination will lapse, and no new project-level conformity determinations may be made until con-

formity of the transportation plan and TIP has been determined by the MPO and DOT—

1. November 24, 1993;

2. [The date of the state's initial submission to EPA of each control strategy implementation plan or maintenance plan establishing a motor vehicle emissions budget] The effective date of EPA's finding that motor vehicle emissions budgets from an initially submitted control strategy implementation plan or maintenance plan are adequate pursuant to subsection (17)(E) and can be used for transportation conformity purposes;

3. EPA approval of a control strategy implementation plan revision or maintenance plan which establishes or revises a motor vehicle emissions budget;

4. EPA approval of an implementation plan revision that adds, deletes, or changes TCMs; and

5. EPA promulgation of an implementation plan which establishes or revises a motor vehicle budget or adds, deletes, or changes TCMs.

(6) Content of Transportation Plans.

(C) Transportation Plans for Other Areas. Transportation plans for other areas must meet the requirements of subsection (6)(A) of this rule at least to the extent it has been the previous practice of the MPO to prepare plans which meet those requirements. Otherwise, transportation plans must describe the transportation system envisioned for the future and must be sufficiently described within the transportation plans so that a conformity determination can be made according to the criteria and procedures of sections (9)–(18).

**AUTHORITY:** section 643.050, RSMo [Supp. 1997] 2000. Original rule filed Oct. 4, 1994, effective May 28, 1995. Amended: Filed May 1, 1996, effective Dec. 30, 1996. Amended: Filed June 15, 1998, effective Jan. 30, 1999. Amended: Filed Feb. 14, 2003.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** A public hearing on this proposed amendment will begin at 9:00 a.m., April 24, 2003. The public hearing will be held at the Travelers Inn Bed & Breakfast, Ballroom, 301 W. Washington, Kirksville, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Written request to be heard should be submitted at least seven (7) days prior to the hearing to Director, Missouri Department of Natural Resources' Air Pollution Control Program, 205 Jefferson Street, PO Box 176, Jefferson City, MO 65102-0176, (573) 751-4817. Interested persons, whether or not heard, may submit a written statement of their views until 5:00 p.m., May 1, 2003. Written comments shall be sent to Chief, Planning Section, Missouri Department of Natural Resources' Air Pollution Control Program, 205 Jefferson Street, PO Box 176, Jefferson City, MO 65102-0176.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 10—Air Conservation Commission  
Chapter 6—Air Quality Standards, Definitions, Sampling  
and Reference Methods and Air Pollution Control  
Regulations for the Entire State of Missouri**

**PROPOSED AMENDMENT**

**10 CSR 10-6.070 New Source Performance Regulations.** The commission proposes to amend original sections (1), (2), and (7) and reformat the rule text from seven into five sections. If the commission adopts this rule action, it will be submitted to the U.S.

Environmental Protection Agency, for delegation of enforcement authority. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address and phone number listed in the Notice of Public Hearing at the end of this rule.

**PURPOSE:** This amendment adopts by reference updates to previously adopted 40 CFR part 60 subparts finalized between January 1, 2001 and June 30, 2002. The evidence supporting the need for this proposed rulemaking, per section 536.016, RSMo is: elements of the State/EPA work plan and Title V Operating Permit Program requirements.

**(1) [General] Applicability.**

(A) The provisions of 40 CFR part 60, as of [December 31, 2000] **June 30, 2002**, shall apply and are adopted by reference as part of this rule.

(B) Exceptions to the adoption are as follows:

1. Sections 60.4, 60.9 and 60.10 of subpart A;
2. Subpart B in its entirety; [and]

3. Those provisions which are not delegable by United States Environmental Protection Agency (EPA). Examples of these are listed as follows:

A. Innovative Technology Waivers (for example, sections 60.47, 60.286 and 60.398);

B. Commercial Demonstration Permits (for example, section 60.45a);

C. Alternative or Equivalent Methods (for example, sections 60.8(b)(2), 60.8(b)(3), 60.11(e), 60.114(a), 60.195(b), 60.302(d)(3), 60.482-1(c)(2), 60.484, 60.493(b)(2)(i)(A), 60.496(a)(1), 60.592(c) and 60.623); and

D. National Consistency (for example, sections 60.332(a)(3) and 60.335(f)(1))./; and

**4. Incinerators which are subject to Hazardous Waste Management Commission rule 40 CFR 264, subpart O as incorporated in 10 CSR 25-7.264 shall not be subjected to the requirements of this rule. The exemptions granted under 40 CFR 264.340(b) as incorporated in 10 CSR 25-7.264 are subject to this rule. All other applicable requirements of this chapter shall remain in effect as to the incinerators.**

(C) Where emission limitations, test procedure or other requirements found in both subsection (1)(A) of this rule and in another rule under Title 10 Division 10 of the *Code of State Regulations* are applicable to an emission source, the more restrictive of each emission limitation, the more accurate test procedure or the more restrictive requirement shall be applied.

**(2) [Term Substitutions] Definitions.** Certain terms used in 40 CFR part 60 refer to federal officers, agencies and publications. The following terms applicable to Missouri shall be substituted where appropriate for the delegable federal counterparts:

**[[3] More Restrictive Limitations to Apply.** Where emission limitations, test procedure or other requirements found in both subsection (1)(A) of this rule and in another rule under Title 10 Division 10 of the CSR are applicable to an emission source, the more restrictive of each emission limitation, the more accurate test procedure or the more restrictive requirement shall be applied.

**(4) Exceptions.** Incinerators which are subject to Hazardous Waste Management Commission rule 40 CFR 264, subpart O as incorporated in 10 CSR 25-7.264 shall not be subjected to the requirements of this rule. The exemptions granted under 40 CFR 264.340(b) as incorporated in 10 CSR 25-7.264 are subject to this rule. All other applicable require-

ments of this chapter shall remain in effect as to the incinerators.

**(5) Relation to 10 CSR 10-6.030 Sampling Methods for Air Pollution Sources.** The sampling methods given in 40 CFR part 60, Appendix A and specified in 10 CSR 10-6.030 shall be effective as of the date in section (1) of this rule.

**(6) Relation to 10 CSR 10-6.040 Reference Methods.** The reference methods given in 40 CFR parts 50 and 53 and specified in 10 CSR 10-6.040(4) shall be effective as of the date in section (1) of this rule.]

**[[7]] (3) General Provisions.** The following are the New Source Performance Standards (NSPS) 40 CFR part 60 subparts that are adopted by reference in this rule. Individual source operations or installations in these categories are subject to this rule based on date of commencement of construction and other category specific parameters, as specified in the applicable subpart:

Subpart	Title
(D)	Fossil-Fuel Fired Steam Generators
(Da)	Electric Utility Steam Generating Units
(Db)	Industrial-Commercial-Institutional Steam Generating Units
(Dc)	Small Industrial-Commercial-Institutional Steam Generating Units
(E)	Incinerators
(Ea)	Municipal Waste Combustors constructed after December 20, 1989, and on or before September 20, 1994
(Eb)	Municipal Waste Combustors constructed after September 20, 1994
(Ec)	Hospital/Medical/Infectious Waste Incinerators constructed after June 20, 1996
(F)	Portland Cement Plants
(G)	Nitric Acid Plants
(H)	Sulfuric Acid Plants
(I)	Asphalt Concrete Plants
(J)	Petroleum Refineries
(K)	Storage Vessels for Petroleum Liquids after June 11, 1973
(Ka)	Storage Vessels for Petroleum Liquids
(Kb)	Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) after July 23, 1984
(L)	Secondary Lead Smelters
(M)	Secondary Brass and Bronze Production Plants
(N)	Primary Emissions from Basic Oxygen Process Furnaces
(Na)	Secondary Emissions from Basic Oxygen Process Steelmaking Facilities
(O)	Sewage Treatment Plants
(P)	Primary Copper Smelters
(Q)	Primary Zinc Smelters
(R)	Primary Lead Smelters
(S)	Primary Aluminum Reduction Plants
(T)	Phosphate Fertilizer Industry: Wet-Process Phosphoric Acid Plants
(U)	Phosphate Fertilizer Industry: Superphosphoric Acid Plants
(V)	Phosphate Fertilizer Industry: Diammonium Phosphate Plants
(W)	Phosphate Fertilizer Industry: Triple Superphosphate Plants
(X)	Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities
(Y)	Coal Preparation Plants
(Z)	Ferroalloy Production Facilities
(AA)	Steel Plants: Electric Arc Furnaces
(AAa)	Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels
(BB)	Kraft Pulp Mills
(CC)	Glass Manufacturing Plants
(DD)	Grain Elevators
(EE)	Surface Coating of Metal Furniture
(GG)	Stationary Gas Turbines



(HH) Lime Manufacturing Plants  
(KK) Lead-Acid Battery Manufacturing Plants  
(LL) Metallic Mineral Processing Plants  
(MM) Automobile and Light-Duty Truck Surface Coating Operations  
(NN) Phosphate Rock Plants  
(PP) Ammonium Sulfate Manufacture  
(QQ) Graphic Arts Industry: Publication Rotogravure Printing  
(RR) Pressure Sensitive Tape and Label Surface Coating Operations  
(SS) Industrial Surface Coating: Large Appliances  
(TT) Metal Coil Surface Coating  
(UU) Asphalt Processing and Asphalt Roofing Manufacture  
(VV) Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry  
(WW) Beverage Can Surface Coating Industry  
(XX) Bulk Gasoline Terminal  
(AAA) New Residential Wood Heaters  
(BBB) Rubber Tire Manufacturing Industry  
(DDD) Polymer Manufacturing Industry  
(FFF) Flexible Vinyl and Urethane Coating and Printing  
(GGG) Equipment Leaks of VOC in Petroleum Refineries  
(HHH) Synthetic Fiber Production Facilities  
(III) VOC Emissions from SOCM I Air Oxidation Unit Processes  
(JJJ) Petroleum Dry Cleaners  
(KKK) Equipment Leaks of VOC From Onshore Natural Gas Processing Plants  
(LLL) Onshore Natural Gas Processing—SO<sub>2</sub> Emissions  
(NNN) VOC Emissions from SOCM I Distillation Operations  
(OOO) Nonmetallic Mineral Processing Plants  
(PPP) Wool Fiberglass Insulation Manufacturing Plants  
(QQQ) VOC Emissions From Petroleum Refinery Wastewater Systems  
(RRR) Synthetic Organic Chemical Manufacturing Reactor Processes  
(SSS) Magnetic Tape Coating Facilities  
(TTT) Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines  
(UUU) Calciners and Dryers in Mineral Industries  
(VVV) Polymeric Coating of Supporting Substrates Facilities  
(WWW) Municipal Solid Waste Landfills  
(AAAA) Small Municipal Waste Combustion Units for Which Construction Is Commenced After August 30, 1999 or for Which Modification or Reconstruction Is Commenced After June 6, 2001  
(CCCC) Commercial and Industrial Solid Waste Incineration Units for Which Construction Is Commenced After November 30, 1999 or for Which Modification or Reconstruction Is Commenced on or After June 1, 2001./

**(4) Reporting.** Reporting requirements are specified in each federal regulation adopted by reference.

**(5) Test Methods.**

(A) Relation to 10 CSR 10-6.030 Sampling Methods for Air Pollution Sources. The sampling methods given in 40 CFR part 60, Appendix A and specified in 10 CSR 10-6.030 shall be effective as of the date in section (1) of this rule.

(B) Relation to 10 CSR 10-6.040 Reference Methods. The reference methods given in 40 CFR parts 50 and 53 and specified in 10 CSR 10-6.040(4) shall be effective as of the date in section (1) of this rule.

*AUTHORITY:* section 643.050, RSMo 2000. Original rule filed Dec. 10, 1979, effective April 11, 1980. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Feb. 14, 2003.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** A public hearing on this proposed amendment will begin at 9:00 a.m., May 29, 2003. The public hearing will be held at the Harry S Truman State Office Building, Room 400, 301 W. High Street, Jefferson City, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Written request to be heard should be submitted at least seven (7) days prior to the hearing to Director, Missouri Department of Natural Resources' Air Pollution Control Program, 205 Jefferson Street, PO Box 176, Jefferson City, MO 65102-0176, (573) 751-4817. Interested persons, whether or not heard, may submit a written statement of their views until 5:00 p.m., June 5, 2003. Written comments shall be sent to Chief, Planning Section, Missouri Department of Natural Resources' Air Pollution Control Program, 205 Jefferson Street, PO Box 176, Jefferson City, MO 65102-0176.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 10—Air Conservation Commission  
Chapter 6—Air Quality Standards, Definitions, Sampling  
and Reference Methods and Air Pollution Control  
Regulations for the Entire State of Missouri**

**PROPOSED AMENDMENT**

**10 CSR 10-6.075 Maximum Achievable Control Technology Regulations.** The commission proposes to amend original sections (1), (2) and (4), delete section (3), and add new sections (4) and (5). If the commission adopts this rule action, it will be submitted to the U.S. Environmental Protection Agency, for delegation of enforcement authority. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address and phone number listed in the Notice of Public Hearing at the end of this rule.

*PURPOSE:* This amendment adopts by reference new 40 CFR part 63 subparts finalized between January 1, 2001 and June 30, 2002. Additionally, this amendment updates previously adopted subparts. The evidence supporting the need for this proposed rulemaking, per section 536.016, RSMo, is: elements of the State/EPA work plan and Title V Operating Permit Program requirements.

**(1) [General] Applicability.**

(A) The provisions of 40 CFR part 63 as of [December 31, 2000] **June 30, 2002**, with the exception of those provisions which are not delegable by the United States Environmental Protection Agency (EPA) shall apply and are adopted by reference as part of this rule.

(C) Where emission limitations, test procedures or other requirements found in both subsection (1)(A) of this rule and in another rule under Title 10 Division 10 of the *Code of State Regulations* are applicable to an emission source, the more restrictive emission limitation, the more accurate test procedure or the more restrictive requirement shall be applied.

**(2) [Term Substitutions] Definitions.** Certain terms used in 40 CFR part 63 refer to federal officers, agencies and publications. The following terms applicable to Missouri shall be substituted where appropriate for the delegable federal counterparts:

(A) Director shall be substituted for /a/Administrator;

(B) Missouri Department of Natural Resources shall be substituted for EPA, EPA [r/Regional o/Office or Environmental Protection Agency; and

*[(3) More Restrictive Limitations to Apply. Where emission limitations, test procedures or other requirements found in both subsection (1)(A) of this rule and in another rule under Title 10 Division 10 of the CSR are applicable to an emission source, the more restrictive emission limitation, the more accurate test procedure or the more restrictive requirement shall be applied.]*

**[[4]] (3) General Provisions.** The following are the Maximum Achievable Control Technology (MACT) 40 CFR part 63 subparts that are adopted by reference in this rule. Individual source operations or installations in these categories are subject to this rule based on category specific parameters, as specified in the applicable subpart:

**Subpart Title**

(F) National Emission Standards for Organic Hazardous Air Pollutants From the Synthetic Organic Chemical Manufacturing Industry

(G) National Emission Standards for Organic Hazardous Air Pollutants From the Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater

(H) National Emission Standards for Organic Hazardous Air Pollutants for Equipment Leaks

(I) National Emission Standards for Organic Hazardous Air Pollutants for Certain Processes Subject to the Negotiated Regulation for Equipment Leaks

(L) National Emission Standards for Coke Oven Batteries

(M) National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities

(N) National Emission Standards for Chromium Emissions From Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks

(O) Ethylene Oxide Emissions Standards for Sterilization Facilities

(Q) National Emission Standards for Hazardous Air Pollutants for Industrial Process Cooling Towers

(R) National Emission Standards for Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations)

(S) National Emission Standards for Hazardous Air Pollutants from the Pulp and Paper Industry

(T) National Emission Standards for Halogenated Solvent Cleaning

(U) National Emission Standards for Hazardous Air Pollutant Emissions: Group I Polymers and Resins

(W) National Emission Standards for Hazardous Air Pollutants for Epoxy Resins Production and Non-Nylon Polyamides Production

(X) National Emission Standards for Hazardous Air Pollutants From Secondary Lead Smelting

(Y) National Emission Standards for Marine Tank Vessel Loading Operations

(AA) National Emission Standards for Hazardous Air Pollutants From Phosphoric Acid Manufacturing Plants

(BB) National Emission Standards for Hazardous Air Pollutants From Phosphate Fertilizers Production Plants

(CC) National Emission Standards for Hazardous Air Pollutants from Petroleum Refineries

(DD) National Emission Standards for Hazardous Air Pollutants from Off-Site Waste and Recovery Operations

(EE) National Emission Standards for Magnetic Tape Manufacturing Operations

(GG) National Emission Standards for Aerospace Manufacturing and Rework Facilities

(HH) National Emission Standards for Hazardous Air Pollutants From Oil and Natural Gas Production Facilities

(II) National Emission Standards for Shipbuilding & Ship Repair (Surface Coating)

(JJ) National Emission Standards for Wood Furniture Manufacturing Operations

(KK) National Emission Standards for the Printing and Publishing Industry

(LL) National Emission Standards for Hazardous Air Pollutants for Primary Aluminum Reduction Plants

**(MM) National Emission Standards for Hazardous Air Pollutants for Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semichemical Pulp Mills**

(OO) National Emission Standards for Tanks—Level 1

(PP) National Emission Standards for Containers

(QQ) National Emission Standards for Surface Impoundments

(RR) National Emission Standards for Individual Drain Systems

(SS) National Emission Standards for Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or a Process

(TT) National Emission Standards for Equipment Leaks—Control Level 1

(UU) National Emission Standards for Equipment Leaks—Control Level 2 Standards

(VV) National Emission Standards for Oil-Water Separators and Organic-Water Separators

(WW) National Emission Standards for Storage Vessels (Tanks)—Control Level 2

(YY) National Emission Standards for Hazardous Air Pollutants for Source Categories: Generic Maximum Available Control Technology Standards

(CCC) National Emission Standards for Hazardous Air Pollutants for Steel Pickling-HCl Process Facilities and Hydrochloric Acid Regeneration Plants

(DDD) National Emission Standards for Hazardous Air Pollutants for Mineral Wool Production

(EEE) National Emission Standards for Hazardous Air Pollutants From Hazardous Waste Combustors

(GGG) National Emission Standards for Pharmaceuticals Production

(HHH) National Emission Standards for Hazardous Air Pollutants From Natural Gas Transmission and Storage Facilities

(III) National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production;

(JJJ) National Emission Standards for Hazardous Air Pollutant Emissions: Group IV Polymers and Resins

(LLL) National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry

(MMM) National Emission Standards for Hazardous Air Pollutants for Pesticide Active Ingredient Production

(NNN) National Emission Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing

(OOO) National Emission Standards for Hazardous Air Pollutant Emissions: Manufacture of Amino/Phenolic Resins

(PPP) National Emission Standards for Hazardous Air Pollutant Emissions for Polyether Polyols Production

**(QQQ) National Emission Standards for Hazardous Air Pollutant Emissions for Primary Copper Smelting**

(RRR) National Emission Standards for Hazardous Air Pollutants: Secondary Aluminum Production/s/

(TTT) National Emission Standards for Hazardous Air Pollutants for Primary Lead Smelting

**(UUU) National Emission Standards for Hazardous Air Pollutants for Petroleum Refineries: Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units**

(VVV) National Emission Standards for Hazardous Air Pollutants: Publicly Owned Treatment Works

(XXX) National Emission Standards for Hazardous Air Pollutants for Ferroalloys Production: Ferromanganese and Silicomanganese

(CCCC) National Emission Standards for Hazardous Air Pollutants: Manufacturing of Nutritional Yeast  
(GGGG) National Emission Standards for Hazardous Air Pollutants: Solvent Extraction for Vegetable Oil Production  
(HHHH) National Emission Standards for Hazardous Air Pollutants for Wet-Formed Fiberglass Mat Production  
(SSSS) National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Coil  
(TTTT) National Emission Standards for Hazardous Air Pollutants for Leather Finishing Operations  
(UUUU) National Emission Standards for Hazardous Air Pollutants for Cellulose Products Manufacturing  
(VVVV) National Emission Standards for Hazardous Air Pollutants for Boat Manufacturing

(4) **Reporting.** Reporting requirements are specified in each federal regulation adopted by reference.

(5) **Test Methods.** Test methods are specified in each federal regulation adopted by reference.

*AUTHORITY:* section 643.050, RSMo 2000. Original rule filed May 1, 1996, effective Dec. 30, 1996. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Feb. 14, 2003.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** A public hearing on this proposed amendment will begin at 9:00 a.m., May 29, 2003. The public hearing will be held at the Harry S Truman State Office Building, Room 400, 301 W. High Street, Jefferson City, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Written request to be heard should be submitted at least seven (7) days prior to the hearing to Director, Missouri Department of Natural Resources' Air Pollution Control Program, 205 Jefferson Street, PO Box 176, Jefferson City, MO 65102-0176, (573) 751-4817. Interested persons, whether or not heard, may submit a written statement of their views until 5:00 p.m., June 5, 2003. Written comments shall be sent to Chief, Planning Section, Missouri Department of Natural Resources' Air Pollution Control Program, 205 Jefferson Street, PO Box 176, Jefferson City, MO 65102-0176.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 10—Air Conservation Commission  
Chapter 6—Air Quality Standards, Definitions, Sampling  
and Reference Methods and Air Pollution Control  
Regulations for the Entire State of Missouri**

**PROPOSED AMENDMENT**

**10 CSR 10-6.080 Emission Standards for Hazardous Air Pollutants.** The commission proposes to amend original sections (1), (2) and (4), delete section (3), and add new sections (4) and (5). If the commission adopts this rule action, it will be submitted to the U.S. Environmental Protection Agency, for delegation of enforcement authority. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address and phone number listed in the Notice of Public Hearing at the end of this rule.

*PURPOSE:* This amendment adopts by reference updates to previously adopted 40 CFR part 61 subparts finalized between January 1, 2001 and June 30, 2002. The evidence supporting the need for this proposed rulemaking, per section 536.016, RSMo, is: elements of the State/EPA work plan and Title V Operating Permit Program requirements.

(1) **[General] Applicability.**

(A) The provisions of 40 CFR part 61, as of [December 31, 2000] **June 30, 2002**, shall apply and are adopted by reference as part of this rule.

(C) Where emission limitations, test procedures or other requirements found in subsection (1)(A) of this rule and in another rule under Title 10 Division 10 of the *Code of State Regulations* are applicable to an emission source, the more restrictive emission limitation, the more accurate test procedure or the more restrictive requirements shall be applied.

(2) **[Term Substitutions] Definitions.** Certain terms used in 40 CFR part 61 refer to federal officers, agencies and publications. The following terms applicable to Missouri shall be substituted where appropriate for the delegable federal counterparts:

*[(3) More Restrictive Limitations to Apply. Where emission limitations, test procedures or other requirements found in subsection (1)(A) of this rule and in another rule under Title 10 Division 10 of the CSR are applicable to an emission source, the more restrictive emission limitation, the more accurate test procedure or the more restrictive requirements shall be applied.]*

*[(4)] (3)* The following are the National Emission Standards for Hazardous Air Pollutants (NESHAPs) 40 CFR part 61 subparts that are adopted by reference in this rule. Individual sources, operations or installations in these categories are subject to this rule based on date of commencement of construction and other category specific parameters, as specified in the applicable subpart:

Subpart	Title
(C)	National Emission Standard for Beryllium
(D)	National Emission Standard for Beryllium Rocket Motor Firing
(E)	National Emission Standard for Mercury
(F)	National Emission Standard for Vinyl Chloride
(J)	National Emission Standard for Equipment Leaks (Fugitive Emission Sources) of Benzene
(L)	National Emission Standard for Benzene Emissions from Coke By-Product Recovery Plants
(M)	National Emission Standard for Asbestos
(N)	National Emission Standard for Inorganic Arsenic Emissions From Glass Manufacturing Plants
(O)	National Emission Standard for Inorganic Arsenic Emissions From Primary Copper Smelters
(P)	National Emission Standard for Inorganic Arsenic Emissions From Arsenic Trioxide and Metallic Arsenic Production Facilities
(V)	National Emission Standard for Equipment Leaks (Fugitive Emission Sources)
(Y)	National Emission Standards for Benzene Emissions From Benzene Storage Vessels
(BB)	National Emission Standards for Benzene Emissions From Benzene Transfer Operations
(FF)	National Emission Standard for Benzene Waste Operations

(4) **Reporting.** Reporting requirements are specified in each federal regulation adopted by reference.

(5) **Test Methods.** Test methods are specified in each federal regulation adopted by reference.



**AUTHORITY:** section 643.050, RSMo 2000. Original rule filed Dec. 10, 1979, effective April 11, 1980. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Feb. 14, 2003.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** A public hearing on this proposed amendment will begin at 9:00 a.m., May 29, 2003. The public hearing will be held at the Harry S Truman State Office Building, Room 400, 301 W. High Street, Jefferson City, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Written request to be heard should be submitted at least seven (7) days prior to the hearing to Director, Missouri Department of Natural Resources' Air Pollution Control Program, 205 Jefferson Street, PO Box 176, Jefferson City, MO 65102-0176, (573) 751-4817. Interested persons, whether or not heard, may submit a written statement of their views until 5:00 p.m., June 5, 2003. Written comments shall be sent to Chief, Planning Section, Missouri Department of Natural Resources' Air Pollution Control Program, 205 Jefferson Street, PO Box 176, Jefferson City, MO 65102-0176.

### Title 13—DEPARTMENT OF SOCIAL SERVICES Division 70—Division of Medical Services Chapter 15—Hospital Program

#### PROPOSED AMENDMENT

**13 CSR 70-15.010 Inpatient Hospital Services Reimbursement Plan; Outpatient Hospital Services Reimbursement Methodology.** The Division of Medical Services is amending subsections (2)(N), (6)(D) and (7)(A) in the *Code of State Regulations*.

**PURPOSE:** The proposed amendment will include a definition of specialty pediatric hospital and exclude the specialty pediatric hospital from receiving disproportionate share payments and outlier payments.

#### (2) Definitions.

**(N) Specialty pediatric hospital.** An inpatient pediatric acute care facility which:

1. Is licensed as a hospital by the Missouri Department of Health and Senior Services under Chapter 197 of the *Missouri Revised Statutes*;

2. Has been granted substantive waivers by the Missouri Department of Health and Senior Services from compliance with material hospital licensure requirements governing a) the establishment and operation of an emergency department, and b) the provision of pathology, radiology, laboratory and central services; and

3. Is not licensed to operate more than sixty (60) inpatient beds.

**[(N)] (O) Trend factor.** The trend factor is a measure of the change in costs of goods and services purchased by a hospital during the course of one (1) year.

**[(O)] (P) Children's hospital.** An acute care hospital operated primarily for the care and treatment of children under the age of eighteen (18) and which has designated in its licensure application at least sixty-five percent (65%) of its total licensed beds as a pediatric unit as defined in 19 CSR 30-20.021(4)(F).

**[[P]] (Q) FRA.** The Federal Reimbursement Allowance (FRA) is identified in 13 CSR 70-15.110. Effective January 1, 1999, the assessment shall be an allowable cost.

**[[Q]] (R) Incorporates by Reference.** This rule incorporates by reference the following:

1. *Institutional Provider Manual*; and
2. Worksheet E-3 Part IV from the Medicare cost report (HCFA 2552-96).

#### (6) Disproportionate Share.

**(D) Specialty pediatric hospitals shall not qualify for disproportionate share payments by meeting the state defined requirements. However, they will qualify for disproportionate share payments if they meet the federal requirements as defined in (6)(A)1. and (6)(A)2.**

**[[D]] (E) Hospitals** shall not send amended cost reports or other data necessary for qualification for disproportionate share classification for purposes of rate reconsideration unless the reports or other necessary data are received within sixty (60) days of the date of the division's notification of the final determination of the rate.

#### (7) Outlier Adjustment.

(A) Effective for admissions beginning on or after July 1, 1991, outlier adjustments for medically necessary inpatient services involving exceptionally high cost or exceptionally long lengths of stay for Missouri Medicaid-eligible children under the age of six (6) will be made to hospitals meeting the disproportionate share requirements in subsection (6)(A) and, for Missouri Medicaid-eligible infants under the age of one (1), will be made to any other Missouri Medicaid hospital **except for specialty pediatric hospitals.**

1. The following criteria must be met for the services to be eligible for outlier review:

A. The patient must be a Missouri Medicaid-eligible infant under the age of one (1) year, or for disproportionate share hospitals a Missouri Medicaid-eligible child under the age of six (6) years, for all dates of service presented for review;

B. Hospitals requesting outlier review for children one (1) year of age to children under six (6) years of age, must have qualified for disproportionate share status under section (6) of this plan for the state fiscal year corresponding with the fiscal year end of the cost report referred to in paragraph (7)(A)5.; and

C. One (1) of the following conditions must be satisfied:

(I) The total reimbursable charges for dates of service as described in paragraph (7)(A)3. must be at least one hundred fifty percent (150%) of the sum of total third-party liabilities and Medicaid inpatient claim payments for that claim; or

(II) The dates of service must exceed sixty (60) days and less than seventy-five percent (75%) of the total service days was reimbursed by Medicaid.

2. Claims for all dates of service eligible for outlier review must—

A. Have been submitted to the Division of Medical Services fiscal agent or the MC+ health plan in their entirety for routine claims processing, and claim payment must have been made before the claims are submitted to the division for outlier review; and

B. Be submitted for outlier review with all documentation as required by the Division of Medical Services no later than ninety (90) days from the last payment made by the fiscal agent or the MC+ health plan through the normal claims processing system for those dates of service.

3. Claim charges and Medicaid payment data will be determined from claims data, submitted to the Division of Medical Services fiscal agent or MC+ health plan, by the hospital through normal claims processing.

4. The claims may be reviewed for—

- A. Medical necessity at an inpatient hospital level-of-care;
- B. Appropriateness of services provided in connection with the diagnosis; and



C. Charges that are not permissible per the Division of Medical Services; policies established in the institutional manual and hospital bulletins.

5. After the review, reimbursable costs for each claim will be determined using the following data from the most recent Medicaid hospital cost report filed by June 1 of each year:

A. Average routine (room and board) costs for the general and special care units for all days of the stay eligible per the outlier review;

B. Ancillary cost-to-charge ratios applied to claim ancillary charges determined eligible for reimbursement per the outlier review; and

C. No cost will be calculated for items such as malpractice insurance premiums, interns and residents, professional services or return on equity.

6. Each state fiscal year, outlier adjustment payments for each hospital will be made for all claims submitted before March 1 of the preceding state fiscal year which satisfy all conditions in paragraphs (7)(A)1.-4. The payments will be determined for each hospital as follows:

A. Sum all reimbursable costs per paragraph (7)(A)5. for all applicable outlier claims to equal total reimbursable costs;

B. Subtract third-party payments and Medicaid payments for those claims from total reimbursable costs to equal excess cost; and

C. Multiply excess costs by fifty percent (50%).

*AUTHORITY: sections 208.152, 208.153 and 208.201, RSMo 2000 and 208.471, RSMo Supp. 2001. This rule was previously filed as 13 CSR 40-81.050. Original rule filed Feb. 13, 1969, effective Feb. 23, 1969. For intervening history, please consult the Code of State Regulations. Amended: Filed Feb. 18, 2003.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Office of the Director, Division of Medical Services, PO Box 6500, Jefferson City, MO 65102-6500. To be considered, comments must be received within thirty (30) days after publication in the Missouri Register. If to be hand-delivered, comments must be brought to the Division of Medical Services at 615 Howerton Court, Jefferson City, Missouri. No public hearing is scheduled.*

**Title 15—ELECTED OFFICIALS  
Division 30—Secretary of State  
Chapter 51—Broker-Dealers, Agents, Investment  
Advisers, and Investment Adviser Representatives**

**PROPOSED AMENDMENT**

**15 CSR 30-51.020 Applications for Registration or Notice Filings.** The commissioner is amending section (5).

*PURPOSE: The commissioner proposes to correct a typographical error.*

(5) Investment Adviser Representative Application. The application for registration as an investment adviser representative shall contain the information outlined in section 409.202(a), RSMo and in this rule. All applicants must file applications with the commissioner *[or]* in accordance with the guidelines of the CRD System, unless the commissioner has granted a hardship exemption under section (6).

*AUTHORITY: sections 409.202 and 409.413(a), RSMo 2000. Original rule filed June 25, 1968, effective Aug. 1, 1968. For intervening history, please consult the Code of State Regulations. Amended: Filed Feb. 13, 2003.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Secretary of State's Office, Doug Ommen, Commissioner of Securities, 600 West Main Street, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 15—ELECTED OFFICIALS  
Division 30—Secretary of State  
Chapter 54—Exemptions *[Under]* and Federal Covered  
Securities *[Act]***

**PROPOSED AMENDMENT**

**15 CSR 30-54.010 General.** The commissioner is amending the chapter title, amending sections (1) and (2) and deleting section (4).

*PURPOSE: The commissioner is amending this rule to correct citations.*

(1) The commissioner may render interpretative opinions upon the request of applicants with respect to the availability of any exemption (section 409.414(e) of the Missouri Uniform Securities Act (the Act)). For fees, see 15 CSR 30-50.030. The opinions of the commissioner do not constitute any approval of the securities or transactions concerned and it is unlawful for an applicant to represent to any prospective purchaser, customer or client that the commissioner has announced approval (section 409.405, *[of the Act]* RSMo).

(2) The burden of proof that the offer and sale of large blocks of securities by any person or of any securities by controlling persons (15 CSR 30-50.010(1)*[(G)](H)*) is not directly or indirectly for the benefit of the issuer and therefore eligible for the nonissuer exemptions of section 409.402(b)(1), (2) **(13)**, *[or]* (14) **or (15)** of the Act, is upon the person claiming the exemption (section 409.402*[(d)](f)*, RSMo). For purposes of this rule, sales of securities in accordance with rule 144 or any similar rule promulgated under the Securities Act of 1933 are deemed to be not directly or indirectly for the benefit of the issuer.

*[(4) For the purposes of 15 CSR 30-54.070(1)(B)6., 15 CSR 30-54.090(1)(E), 15 CSR 30-54.140(3)(F) and 15 CSR 30-54.160(2), an assurance in writing that a Consent to Service of Process form (Form S-B or U-2 and U-2A)) executed by the issuer will be filed shall be accepted in lieu of the filing of the form as a part of the notice or notification concerned.]*

*AUTHORITY: sections 409.307, 409.413(a) and 409.414(e), RSMo [1986] 2000 and 409.402, RSMo Supp. 2002. Original rule filed June 25, 1968, effective Aug. 1, 1968. For intervening history please consult the Code of State Regulations. Amended: Filed Feb. 18, 2003.*

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Secretary of State's Office, Doug Ommen, Commissioner of Securities, 600 West Main Street, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 15—ELECTED OFFICIALS**  
**Division 30—Secretary of State**  
**Chapter 54—Exemptions and Federal Covered Securities**  
**PROPOSED RULE**

**15 CSR 30-54.015 Notice Filings for Investment Companies**

**PURPOSE:** This rule prescribes the notice to be filed for investment companies as federal covered securities.

(1) The initial notice required under section 409.307(a), RSMo to be filed for an open-end or closed-end investment company, unit investment trust or face amount certificate company, as those persons are classified in the Investment Company Act of 1940 shall consist of the following:

- (A) The Uniform Investment Company Notice Filing Form (Form NF) and accompanying documents;
- (B) Form U-2, Consent to Service of Process; and
- (C) The fee described in 15 CSR 30-50.030.

(2) No documents filed by investment companies with the Securities and Exchange Commission (SEC) need to be filed with the notice described in section (1) above.

(3) Annual Sales Report or Termination. For open-end investment companies or face amount certificate companies, the following notice shall be filed with the division when applicable:

- (A) An annual sales report on the Form NF and the fee described in 15 CSR 30-50.030 within sixty (60) days of the company's fiscal year end; or
- (B) A termination notice on the Form NF and the fee described in 15 CSR 30-50.030.

(4) Final Sales Report for Unit Investment Trusts. The final sales report for unit investment trusts shall be on the Form NF and include the fee described in 15 CSR 30-50.030. This notice needs to be filed with the division on the completion of the offering in Missouri.

(5) Renewals. The annual renewal for closed-end investment companies shall consist of the Form NF and a one hundred dollar (\$100) filing fee. This notice needs to be filed with the division within thirty (30) days of the anniversary of the company's effective date in Missouri.

(6) Amendments. During the period of the offering, the investment company shall take steps necessary to insure that all material information contained in the notice remains current and accurate.

**AUTHORITY:** sections 409.307 and 409.413(a), RSMo 2000. Original rule filed Feb. 18, 2003.

**PUBLIC COST:** This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Secretary of State's Office, Doug Ommen, Commissioner of Securities, 600 West Main Street, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 15—ELECTED OFFICIALS**  
**Division 30—Secretary of State**  
**Chapter 54—Exemptions [Under] and Federal Covered Securities [Act]**

**PROPOSED AMENDMENT**

**15 CSR 30-54.060 Stock Exchange Listed Securities.** The commissioner is amending the chapter title and sections (1) and (2).

**PURPOSE:** The commissioner is amending sections (1) of this rule to correct name changes of certain exchanges, to exclude federal covered securities and to state more specifically tiers of certain exchanges, and to correct citations.

(1) Stock exchanges specified by or approved under section 409.402(a)(8) of the Missouri Uniform Securities Act (the Act) are as follows:

- (A) [American Stock Exchange] **The Chicago Stock Exchange;**
- (B) [Midwest Stock Exchange, Inc.] **The Chicago Board Options Exchange;**
- (C) [New York Stock Exchange, Inc.] **Tier I or II of the Pacific Stock Exchange; and**
- (D) [Pacific Coast Stock Exchange, Inc.]; **Tier I of the Philadelphia Stock Exchange, Inc.**
- [(E) Chicago Board Options Exchange, Inc.; and
- (F) **Tier I of the Philadelphia Stock Exchange, Inc.]**

(2) Any individual who represents an issuer of a security exempted by section 409.402(a)(8), [of the Act] RSMo in effecting transactions listed in that section, other than in transactions exempted by section 409.402(b), [of the Act,] RSMo or in transactions with existing employees, partners or directors of the issuer with no commission or other remuneration being paid or given directly or indirectly for soliciting any person in Missouri, is an agent (section 409.401(b), [of the Act] RSMo) and is required to be registered as an agent (section 409.201(a), RSMo).

**AUTHORITY:** sections 409.402(a)(8), RSMo Supp. 2002 and 409.413(a), RSMo [1994] 2000. Original rule filed June 25, 1968, effective Aug. 1, 1968. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Feb. 18, 2003.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Secretary of State's Office, Doug Ommen, Commissioner of Securities, 600 West Main Street, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 15—ELECTED OFFICIALS  
Division 30—Secretary of State  
Chapter 54—Exemptions Under Securities Act**

**PROPOSED RESCISSION**

**15 CSR 30-54.070 Not-for-Private Profit Securities.** This rule prescribed the policies and procedures for the notice filing for not-for-profit securities under the exemption of section 409.402(a)(9), RSMo.

*PURPOSE:* The commissioner of securities is proposing to rescind this rule and adopt a new rule that more clearly prescribes the policies and procedure for the notice filing for not-for-profit securities and promotes uniformity with other states by adopting the most recent NASAA Statements of Policy Regarding Church Bonds and Regarding Guidelines for General Obligations Financing by Religious Denominations.

*AUTHORITY:* sections 409.402(a)(9) and 409.413(a), RSMo 1986. Original rule filed June 25, 1968, effective Aug. 1, 1968. For intervening history, please consult the *Code of State Regulations*. Rescinded: Filed Feb. 18, 2003.

*PUBLIC COST:* This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Secretary of State's Office, Doug Ommen, Commissioner of Securities, 600 West Main Street, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 15—ELECTED OFFICIALS  
Division 30—Secretary of State  
Chapter 54—Exemptions and Federal Covered Securities**

**PROPOSED RULE**

**15 CSR 30-54.070 NASAA Statements of Policy (Exemptions)**

*PURPOSE:* This rule promotes uniformity with other states and prescribes the guidelines to be applied to notice filings for securities or transactions that are exempt from registration.

*PUBLISHER'S NOTE:* The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. Therefore, the material which is so incorporated is on file with the agency who filed this rule, and with the Office of the Secretary of State. Any interested person may view this material at either agency's headquarters or the same will be made available at the Office of the Secretary of State at a cost not to exceed actual cost of copy reproduction. The entire text of the rule is printed here. This note refers only to the incorporated by reference material.

(1) The Securities Division will apply the applicable statement of policy adopted by the North American Securities Administrators Association, Inc. (NASAA) when reviewing notice filings for securities or transactions that are exempt from registration.

(2) The following statements of policy are hereby adopted by reference:

- (A) Church Bonds as adopted by NASAA on April 14, 2002; and
- (B) Guidelines for General Obligations Financing by Religious Denominations as adopted by NASAA on April 17, 1994.

(3) The division will apply the applicable NASAA statement of policy specified in section (2) above when reviewing notification filings for securities exempt under section 409.402(a)(9), RSMo.

(4) Cross-Reference Sheet. If requested by the Securities Division, a notice filing shall include a cross-reference table to indicate compliance with, or deviation from, the various sections of the applicable statement of policy.

*AUTHORITY:* sections 409.402(a)(9), RSMo Supp. 2002 and 409.413(a), RSMo 2000. Original rule filed June 25, 1968, effective Aug. 1, 1968. For intervening history, please consult the *Code of State Regulations*. Rescinded and readopted: Filed Feb. 18, 2003.

*PUBLIC COST:* This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Secretary of State's Office, Doug Ommen, Commissioner of Securities, 600 West Main Street, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 15—ELECTED OFFICIALS  
Division 30—Secretary of State  
Chapter 54—Exemptions Under Securities Act**

**PROPOSED RESCISSION**

**15 CSR 30-54.210 Exemption for Certain Transactions Pursuant to Regulation D Under the Securities Act of 1933.** This rule exempted transactions pursuant to Regulation D, Rules 505 and 506 from registration in Missouri and prescribed the policies and procedures for the notice filing in Missouri for these securities.

*PURPOSE:* The commissioner of securities is proposing to rescind this rule and adopt a new rule that more clearly prescribes the policies and procedure for the notice filing in Missouri for securities and transactions exempt under Regulation D, Rules 505 and 506.

*AUTHORITY:* section 409.402(c), RSMo 1986. Emergency rule filed Aug. 12, 1982, effective Aug. 22, 1982, expired Dec. 10, 1982. Original rule filed Aug. 11, 1982, effective Dec. 11, 1982. For intervening history, please consult the *Code of State Regulations*. Rescinded: Filed Feb. 18, 2003.

*PUBLIC COST:* This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Secretary of State's Office, Doug Ommen, Commissioner of



*Securities, 600 West Main Street, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

## Title 15—ELECTED OFFICIALS

### Division 30—Secretary of State

#### Chapter 54—Exemptions and Federal Covered Securities

#### PROPOSED RULE

#### 15 CSR 30-54.210 Notice Filings for Transactions under Regulation D, Rules 505 and 506

*PURPOSE: This rule prescribes the policies and procedures applicable to transactions in Missouri under Regulation D, Rules 505 and 506.*

(1) Rule 505.

(A) Pursuant to section 409.402(c), RSMo securities exempt under 17 CFR 230.505 are exempt from section 409.301, RSMo. As a condition of this exemption, the issuer shall comply with the requirements in section (3) below.

(B) Disqualification. The exemption under subsection (1)(A) is not available to an issuer if the issuer, any of the issuer's predecessors, any affiliated issuer, any of the issuer's directors, officers, general partners, beneficial owners of ten percent (10%) or more of any class of its equity securities, any of the issuer's promoters presently connected with the issuer in any capacity, any underwriter of the securities to be offered, or any partner, director or officer of such underwriter:

1. Within the last five (5) years, has filed a registration statement which is the subject of a currently effective registration stop order entered by any state securities administrator or the U.S. Securities and Exchange Commission;

2. Within the last five (5) years, has been convicted of any criminal offense in connection with the offer, purchase or sale of any security, or involving fraud or deceit;

3. Is currently subject to any state or federal administrative enforcement order or judgment, entered within the last five (5) years, finding fraud or deceit in connection with the purchase or sale of any security; or

4. Is currently subject to any order, judgment or decree of any court of competent jurisdiction, entered within the last five (5) years, temporarily, preliminary or permanently restraining or enjoining such party from engaging in or continuing to engage in any conduct or practice involving fraud or deceit in connection with the purchase or sale of any security.

(C) Subsection (1)(B) shall not apply if:

1. The party subject to the disqualification is licensed or registered to conduct securities related business in the state in which the order, judgment or decree creating the disqualification was entered against such party;

2. Before the first offer under this exemption, the state securities administrator, or the court or regulatory authority that entered the order, judgment, or decree, waives the disqualification; or

3. The issuer establishes that it did not know and in the exercise of reasonable care, based on a factual inquiry, could not have known that a disqualification existed under this subsection.

(2) Rule 506. The issuer shall file a notice under section 409.307(b), RSMo as stated in section (3) below.

(3) Notice Filings for Rules 505 and 506. The notice filing required for transactions in Missouri under 17 CFR 230.505 and 17 CFR 230.506 shall consist of the following:

(A) One (1) manually signed copy of the Form D;

(B) A Form U-2, Consent to Service of Process;

(C) The filing fee of one hundred dollars (\$100) as described in 15 CSR 30-50.030; and

(D) Each notice shall be filed with the division no later than fifteen (15) calendar days after the first sale of the securities in Missouri.

(4) Amendments. During the period of the offering, the issuer shall take steps necessary to insure that all material information contained in the notice filing remains current and accurate.

(5) Agents. Pursuant to section 409.401(b), RSMo, and only for the purposes of effecting transactions under this rule, agent does not include those officers, directors, general partners or other bona fide employees of the issuer whose primary employment function is other than the sale of securities.

*AUTHORITY: sections 409.307 and 409.413(a), RSMo 2000 and 409.402(c), RSMo Supp. 2002. Emergency rule filed Aug. 12, 1982, effective Aug. 22, 1982, expired Dec. 10, 1982. Original rule filed Aug. 11, 1982, effective Dec. 11, 1982. For intervening history, please consult the Code of State Regulations. Rescinded and readopted: Filed Feb. 18, 2003.*

*PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Secretary of State's Office, Doug Ommen, Commissioner of Securities, 600 West Main Street, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

## Title 15—ELECTED OFFICIALS

### Division 30—Secretary of State

#### Chapter 54—Exemptions Under Securities Act

#### PROPOSED RESCISSION

**15 CSR 30-54.220 Transaction Exemption for Securities Listed on Certain Quotation Systems.** This rule prescribed the circumstances under which transactions in securities listed on the National Association of Securities Dealers, Inc. Automated Quotation System were exempt from section 409.301, RSMo.

*PURPOSE: The commissioner of securities is proposing to rescind this rule for the transactions exempted under this rule are federal covered securities.*

*AUTHORITY: sections 409.402(c) and 409.413, RSMo 1986. This rule was previously filed as 15 CSR 30-54.200. Original rule filed Aug. 7, 1981, effective Nov. 12, 1981. Emergency rescission filed Aug. 1, 1984, effective Aug. 11, 1984, expired Nov. 11, 1984. Rescinded and readopted: Filed Aug. 1, 1984, effective Nov. 11, 1984. Amended: Filed March 27, 1989, effective June 12, 1989. Amended: Filed Jan. 3, 1990, effective March 11, 1990. Rescinded: Filed Feb. 18, 2003.*

*PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*



*PRIVATE COST:* This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Secretary of State's Office, Doug Ommen, Commissioner of Securities, 600 West Main Street, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 15—ELECTED OFFICIALS**

**Division 30—Secretary of State**

**Chapter 59—Registration and Operations of Commodity Broker-Dealers and Sales Representatives**

**PROPOSED AMENDMENT**

**15 CSR 30-59.020 General Instructions.** The commissioner is deleting the forms that follow this rule in the *Code of State Regulations*.

*PURPOSE:* The commissioner proposes to delete the form (form U-4) that follows this rule in the *Code of State Regulations*.

*AUTHORITY:* section 409.836, RSMo [1986] 2000. This rule was previously filed as 15 CSR 30-60.010. Emergency rule filed Oct. 2, 1985, effective Oct. 12, 1985, expired Feb. 9, 1986. Original rule filed Aug. 22, 1986, effective Jan. 30, 1987. Amended: Filed Feb. 13, 2003.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Secretary of State's Office, Doug Ommen, Commissioner of Securities, 600 West Main Street, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 15—ELECTED OFFICIALS**

**Division 30—Secretary of State**

**Chapter 59—Registration and Operations of Commodity Broker-Dealers and Sales Representatives**

**PROPOSED RESCISSION**

**15 CSR 30-59.050 Broker-Dealer, Sales Representative Statutory Bond.** This rule published the form C-4 in the *Code of State Regulations*.

*PURPOSE:* The commissioner of securities is proposing to rescind this rule for the form can be obtained from the Securities Division.

*AUTHORITY:* section 409.836, RSMo 1986. Emergency rule filed Oct. 2, 1985, effective Oct. 12, 1985, expired Feb. 9, 1986. Original rule filed Aug. 22, 1986, effective Jan. 30, 1987. Rescinded: Filed March 12, 2003.

*PUBLIC COST:* This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Secretary of State's Office, Doug Ommen, Commissioner of Securities, 600 West Main Street, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 15—ELECTED OFFICIALS**

**Division 30—Secretary of State**

**Chapter 59—Registration and Operations of Commodity Broker-Dealers and Sales Representatives**

**PROPOSED RESCISSION**

**15 CSR 30-59.060 Application for Renewal Registration as Sales Representative.** This rule published the form C-16 in the *Code of State Regulations*.

*PURPOSE:* The commissioner of securities is proposing to rescind this rule for the form can be obtained from the Securities Division.

*AUTHORITY:* section 409.836, RSMo 1986. Emergency rule filed Oct. 2, 1985, effective Oct. 12, 1985, expired Feb. 9, 1986. Original rule filed Aug. 22, 1986, effective Jan. 30, 1987. Rescinded: Filed March 12, 2003.

*PUBLIC COST:* This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Secretary of State's Office, Doug Ommen, Commissioner of Securities, 600 West Main Street, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 15—ELECTED OFFICIALS**

**Division 30—Secretary of State**

**Chapter 59—Registration and Operations of Commodity Broker-Dealers and Sales Representatives**

**PROPOSED AMENDMENT**

**15 CSR 30-59.170 Effectiveness and Post-Effective Requirements.** The commissioner is amending section (9) and deleting the form that follows this rule in the *Code of State Regulations*.

*PURPOSE:* The commissioner proposes to delete the form (form U-5) that follows this rule in the *Code of State Regulations* and to delete inaccurate citations.

(9) In the event of a merger, consolidation or reorganization of an existing registered broker-dealer—

(A) The following documents must be filed:

1. The broker-dealer who will dissolve upon consummation of the merger or who will become a part of an existing broker-dealer upon reorganization or consolidation must file at least ten (10) days prior to a merger, consolidation or reorganization—

A. A termination of its broker-dealer registration on Form BDW;

B. A termination of all sales representative registrations; and

C. A complete explanation of the proposed merger, consolidation or reorganization accompanied by the agreement effecting the merger, consolidation or reorganization; and

2. The broker-dealer who will be the surviving corporation upon consummation of the merger or who will be the named broker-dealer after the reorganization or consolidation must file the following documents at least ten (10) days prior to the merger, consolidation or reorganization:

A. A complete explanation of the proposed merger;

B. Form U-4 applications plus supporting [(see 15 CSR 30-59.020)] documents of all registered sales representatives of the dissolving broker-dealer to be transferred to the surviving, consolidated or reorganized broker-dealer in accordance with 15 CSR 30-59.070 and section (7) of this rule; and

C. If the name of the surviving, consolidated or reorganized broker-dealer will change, an amended Form BD [(see 15 CSR 30-51.020)], as appropriate and all other properly amended documents required by 15 CSR 30-59.020 and this rule.

**AUTHORITY:** sections 409.836 and 409.850–409.856 RSMo [1986] 2000. This rule was previously filed as 15 CSR 30-60.120. Emergency rule filed Oct. 2, 1985, effective Oct. 12, 1985, expired Feb. 9, 1986. Original rule filed Aug. 22, 1986, effective Jan. 30, 1987. Amended: Filed Feb. 13, 2003.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Secretary of State's Office, Doug Ommen, Commissioner of Securities, 600 West Main Street, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

## Title 16—RETIREMENT SYSTEMS

### Division 10—The Public School Retirement System of Missouri

#### Chapter 1—Organization and Operation of Board of Trustees

#### PROPOSED AMENDMENT

**16 CSR 10-1.010 General Organization.** The board is amending section (1).

**PURPOSE:** This amendment requires the board of trustees to hold regular meetings at the office of the executive director during the months of February, April, June, August, October and December of each year unless the board of trustees agrees to hold the meetings on another day, in another location, or by different means.

(1) The board of trustees of The Public School Retirement System of Missouri shall hold regular meetings in the office of the executive director *[on the second Tuesday]* during the months of February, April, June, August, October and December of each calendar year

*[and] on one (1) or more days voted upon by the board of trustees; provided that the board of trustees may vote to hold a regular meeting in a different location or by telephone or other electronic means. The chairman or four (4) board members acting jointly may call special meetings at times and locations and by means as may be necessary[, on call of the chairman or by four (4) members acting jointly, upon due and reasonable notice].* The executive director shall *[publicize through appropriate channels]* provide notice of the time and place of *[the]* all meetings of the board in accordance with the applicable provisions of sections 610.010 through 610.035, RSMo. All meetings of the board of trustees shall comply with the applicable provisions of sections *[610.020]* 610.010 through 610.035, RSMo. Information concerning meetings, rules or any operations of the system may be obtained by writing or calling the Executive Director, *[P.O.]* PO Box 268, Jefferson City, MO 65102.

**AUTHORITY:** section 169.020, RSMo [1994] 2000. Original rule filed Dec. 19, 1975, effective Jan. 1, 1976. Amended: Filed Jan. 5, 1977, effective May 1, 1977. Emergency amendment filed Sept. 25, 1991, effective Oct. 5, 1991, expired Feb. 1, 1992. Amended: Filed Sept. 25, 1991, effective March 9, 1992. Amended: Filed July 31, 1995, effective Feb. 25, 1996. Amended: Filed April 24, 1996, effective Nov. 30, 1996. Amended: Filed Feb. 14, 2003.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Public School and Non-Teacher School Employee Retirement Systems of Missouri, M. Steve Yoakum, Executive Director, PO Box 268, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**T**his section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order of rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty (30) days after the date of publication of the revision to the *Code of State Regulations*.

**T**he agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety (90)-day period during which an agency shall file its Order of Rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the Proposed Rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

### **Title 3—DEPARTMENT OF CONSERVATION Division 10—Conservation Commission Chapter 1—Wildlife Code: Organization**

#### **ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-1.010** is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2003 (28 MoReg 8-9). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** One staff comment was received.

**COMMENT AND EXPLANATION OF CHANGE:** The rule has been changed to reflect a title change from Science Division to Resource Science Division.

#### **3 CSR 10-1.010 Organization and Methods of Operation**

(2) The commission appoints a director who serves as the administrative officer of the Department of Conservation. The director appoints other employees and is assisted by a deputy director-field and a deputy director-administration with programs and activities carried out by the divisions of fisheries, wildlife, forestry, protection, outreach and education, administrative services, private land services, resource science and human resources. An assistant director

supervises the policy coordination section, and provides leadership for special projects and initiatives as assigned by the director; notably legislative liaison and partnerships with other entities.

(3) The department carries out its programs through the following major administrative units:

(H) Resource Science Division is the center of the department's resource inventory, monitoring, and research. The division helps department area, regional, and issue managers understand and conserve the biological diversity of Missouri's fish, forests, and wildlife. Other programs administered by this division include water pollution impact investigations, natural areas designation and management, endangered species activities; specialized service in natural history interpretation and coordination of management for nonconsumptive uses of wildlife resources and lands.

### **Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT**

#### **Division 30—Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects Chapter 3—Seals**

#### **ORDER OF RULEMAKING**

By the authority vested in the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects under section 327.041, RSMo Supp. 2001, the board amends a rule as follows:

**4 CSR 30-3.010** Official Seal of Board is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 2, 2002 (27 MoReg 2127). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** No comments were received.

### **Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT**

#### **Division 30—Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects Chapter 3—Seals**

#### **ORDER OF RULEMAKING**

By the authority vested in the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects under section 327.041, RSMo Supp. 2001, the board adopts a rule as follows:

**4 CSR 30-3.050** Licensee's Seal—Landscape Architect is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 2, 2002 (27 MoReg 2127-2128). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** No comments were received.



**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 30—Missouri Board for Architects,  
Professional Engineers, Professional Land  
Surveyors, and Landscape Architects  
Chapter 4—Applications**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects under sections 327.141, 327.231, 327.241, 327.312 and 327.313, RSMo 2000 and 327.041 and 327.615, RSMo Supp. 2001, the board amends a rule as follows:

**4 CSR 30-4.010** Filing Deadline—Architects, Professional Engineers, Professional Land Surveyors, Landscape Architects, Engineer Interns and Land Surveyors-in-Training **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 2, 2002 (27 MoReg 2128). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 30—Missouri Board for Architects,  
Professional Engineers, Professional Land  
Surveyors, and Landscape Architects  
Chapter 4—Applications**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects under section 327.041, RSMo Supp. 2001, the board rescinds a rule as follows:

**4 CSR 30-4.020** Filing Deadline—Engineer-in-Training **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 2, 2002 (27 MoReg 2128–2129). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 30—Missouri Board for Architects,  
Professional Engineers, Professional Land  
Surveyors, and Landscape Architects  
Chapter 4—Applications**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects under sections 327.041 and 327.623, RSMo Supp. 2001, the board adopts a rule as follows:

**4 CSR 30-4.090** Evaluation—Comity Applications—Landscape Architects **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 2, 2002 (27 MoReg 2129–2131). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 30—Missouri Board for Architects,  
Professional Engineers, Professional Land  
Surveyors, and Landscape Architects  
Chapter 5—Examinations**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects under sections 327.041 and 327.617, RSMo Supp. 2001, the board adopts a rule as follows:

**4 CSR 30-5.140** CLARB Examinations—Landscape Architects **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 2, 2002 (27 MoReg 2132–2134). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 30—Missouri Board for Architects,  
Professional Engineers, Professional Land  
Surveyors, and Landscape Architects  
Chapter 5—Examinations**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects under sections 327.041 and 327.612, RSMo Supp. 2001, the board adopts a rule as follows:

**4 CSR 30-5.150** Standards for Admission to Examination—Landscape Architects **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 2, 2002 (27 MoReg 2135). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.



**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 30—Missouri Board for Architects,  
Professional Engineers, Professional Land  
Surveyors, and Landscape Architects  
Chapter 9—Letters**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects under sections 327.041 and 327.612, RSMo Supp. 2001, the board rescinds a rule as follows:

**4 CSR 30-9.010 Response to Routine Matters is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 2, 2002 (27 MoReg 2135). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 30—Missouri Board for Architects,  
Professional Engineers, Professional Land  
Surveyors, and Landscape Architects  
Chapter 10—Corporations**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects under sections 327.041, RSMo Supp. 2001 and 327.401, RSMo 2000, the board amends a rule as follows:

**4 CSR 30-10.010 Application for Certificate of Authority  
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 2, 2002 (27 MoReg 2135–2138). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 30—Missouri Board for Architects,  
Professional Engineers, Professional Land  
Surveyors, and Landscape Architects  
Chapter 11—Renewals**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects under sections 327.011, 327.041 and 327.621, RSMo Supp. 2001 and 327.171, 327.261 and 327.351, RSMo 2000, the board amends a rule as follows:

**4 CSR 30-11.010 Renewal Period is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 2, 2002 (27 MoReg 2139–2143). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 30—Missouri Board for Architects,  
Professional Engineers, Professional Land  
Surveyors, and Landscape Architects  
Chapter 12—Complaints**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects under section 327.041, RSMo Supp. 2001, the board amends a rule as follows:

**4 CSR 30-12.010 Public Complaint Handling and Disposition  
Procedure is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 2, 2002 (27 MoReg 2144–2145). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 30—Missouri Board for Architects,  
Professional Engineers, Professional Land  
Surveyors, and Landscape Architects  
Chapter 15—Public Records**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects under section 327.041, RSMo Supp. 2001, the board rescinds a rule as follows:

**4 CSR 30-15.010 Public Records is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 2, 2002 (27 MoReg 2145). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 196—Landscape Architectural Council  
Chapter 1—Organization**

**ORDER OF RULEMAKING**

By the authority vested in the Landscape Architectural Council under section 327.041, RSMo Supp. 2001, the council rescinds a rule as follows:

**4 CSR 196-1.020 Landscape Architectural Council—General Organization is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 2, 2002 (27 MoReg 2147). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT  
Division 196—Landscape Architectural Council  
Chapter 2—Applications**

**ORDER OF RULEMAKING**

By the authority vested in the Landscape Architectural Council under sections 327.041 and 327.615, RSMo Supp. 2001, the council rescinds a rule as follows:

**4 CSR 196-2.020 Submitting an Application is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 2, 2002 (27 MoReg 2147). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT  
Division 196—Landscape Architectural Council  
Chapter 2—Applications**

**ORDER OF RULEMAKING**

By the authority vested in the Landscape Architectural Council under section 327.041, RSMo 2000, the council rescinds a rule as follows:

**4 CSR 196-2.030 Reviewing Applications for Registration is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 2, 2002 (27 MoReg 2147). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT  
Division 196—Landscape Architectural Council  
Chapter 2—Applications**

**ORDER OF RULEMAKING**

By the authority vested in the Landscape Architectural Council under section 327.041, RSMo 2001, the council rescinds a rule as follows:

**4 CSR 196-2.040 Reconsideration of Denied Application for Registration is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 2, 2002 (27 MoReg 2148). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT  
Division 196—Landscape Architectural Council  
Chapter 3—Reciprocity**

**ORDER OF RULEMAKING**

By the authority vested in the Landscape Architectural Council under section 327.041, RSMo Supp. 2001, the council rescinds a rule as follows:

**4 CSR 196-3.010 Evaluation—Reciprocity Application for Registration is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 2, 2002 (27 MoReg 2148). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT  
Division 196—Landscape Architectural Council  
Chapter 4—CLARB Certification**

**ORDER OF RULEMAKING**

By the authority vested in the Landscape Architectural Council under section 327.041, RSMo Supp. 2001, the council rescinds a rule as follows:

**4 CSR 196-4.010 Council of Landscape Architectural Registration Boards' Certification is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 2, 2002 (27 MoReg 2148). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT  
Division 196—Landscape Architectural Council  
Chapter 5—Examinations**

**ORDER OF RULEMAKING**

By the authority vested in the Landscape Architectural Council under sections 327.041, RSMo Supp. 2001 and 327.617, RSMo 2000, the council rescinds a rule as follows:

**4 CSR 196-5.010 Uniform National Examinations and Plant Material Examination—Adoption and Admission is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 2, 2002 (27 MoReg 2148-2149). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT  
Division 196—Landscape Architectural Council  
Chapter 6—Fees**

**ORDER OF RULEMAKING**

By the authority vested in the Landscape Architectural Council under sections 327.041, RSMo Supp. 2001 and 327.625, RSMo 2000, the council rescinds a rule as follows:

**4 CSR 196-6.010 Application, Registration, Renewal, Reinstatement and Miscellaneous Fees is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 2, 2002 (27 MoReg 2149). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT  
Division 196—Landscape Architectural Council  
Chapter 7—Complaints and Correspondence**

**ORDER OF RULEMAKING**

By the authority vested in the Landscape Architectural Council under sections 327.041, RSMo Supp. 2001 and 327.631, RSMo 2000, the council rescinds a rule as follows:

**4 CSR 196-7.010 Handling Public Complaints and Routine Matters is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 2, 2002 (27 MoReg 2149). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT  
Division 196—Landscape Architectural Council  
Chapter 9—Registrant's Identification**

**ORDER OF RULEMAKING**

By the authority vested in the Landscape Architectural Council under section 327.041, RSMo Supp. 2001, the council rescinds a rule as follows:

**4 CSR 196-9.010 Registrant's Identification is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 2, 2002 (27 MoReg 2149). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT  
Division 196—Landscape Architectural Council  
Chapter 10—Corporations, Partnerships, Associations, and Limited Liability Companies**

**ORDER OF RULEMAKING**

By the authority vested in the Landscape Architectural Council under sections 327.041 and 327.630, RSMo Supp. 2001, the council rescinds a rule as follows:

**4 CSR 196-10.010 Application for Registration of Business Associations is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 2, 2002 (27 MoReg 2150). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT  
Division 196—Landscape Architectural Council  
Chapter 11—Landscape Architects-in-Training and Landscape Architectural Students**

**ORDER OF RULEMAKING**

By the authority vested in the Landscape Architectural Council under sections 327.041, RSMo Supp. 2001, the council rescinds a rule as follows:

**4 CSR 196-11.010 Recognition of Landscape Architects-in-Training and Landscape Architectural Students is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 2, 2002 (27 MoReg 2150). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT  
Division 196—Landscape Architectural Council  
Chapter 12—Public Records**

**ORDER OF RULEMAKING**

By the authority vested in the Landscape Architectural Council under section 327.041, RSMo Supp. 2001, the council rescinds a rule as follows:

**4 CSR 196-12.010 Public Information and Records is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 2, 2002 (27 MoReg 2150). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT****Division 205—Missouri Board of Occupational Therapy  
Chapter 3—Licensure Requirements****ORDER OF RULEMAKING**

By the authority vested in the Missouri Board of Occupational Therapy under sections 324.050, 324.056, 324.065, 324.068 and 324.077, RSMo 2000 and 324.086, RSMo Supp. 2001, the board amends a rule as follows:

**4 CSR 205-3.030 Application for Limited Permit is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 2, 2002 (27 MoReg 2151–2152). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT****Division 205—Missouri Board of Occupational Therapy  
Chapter 3—Licensure Requirements****ORDER OF RULEMAKING**

By the authority vested in the Missouri Board of Occupational Therapy under sections 324.050, 324.056, 324.065, 324.068 and 324.080, RSMo 2000 and 324.086 and 620.010.14, RSMo Supp. 2001, the board amends a rule as follows:

**4 CSR 205-3.040 License Renewal is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 2, 2002 (27 MoReg 2152). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT****Division 205—Missouri Board of Occupational Therapy  
Chapter 3—Licensure Requirements****ORDER OF RULEMAKING**

By the authority vested in the Missouri Board of Occupational Therapy under sections 324.050, 324.065, 324.068 and 324.080,

RSMo 2000 and 324.086, RSMo Supp. 2001, the board amends a rule as follows:

**4 CSR 205-3.050 Inactive Status is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 2, 2002 (27 MoReg 2152). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT****Division 205—Missouri Board of Occupational Therapy  
Chapter 3—Licensure Requirements****ORDER OF RULEMAKING**

By the authority vested in the Missouri Board of Occupational Therapy under sections 324.050, 324.065, 324.068 and 324.080, RSMo 2000 and 324.086, RSMo Supp. 2001, the board amends a rule as follows:

**4 CSR 205-3.060 Reinstatement is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 2, 2002 (27 MoReg 2152–2153). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT****Division 205—Missouri Board of Occupational Therapy  
Chapter 4—Supervision****ORDER OF RULEMAKING**

By the authority vested in the Missouri Board of Occupational Therapy under sections 324.050, 324.056 and 324.065.2, RSMo 2000 and 324.086, RSMo Supp. 2001, the board amends a rule as follows:

**4 CSR 205-4.010 Supervision of Occupational Therapy  
Assistants and Occupational Therapy Assistant Limited  
Permit Holders is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 2, 2002 (27 MoReg 2153). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Three (3) comments were received.

COMMENT: The American Occupational Therapy Association, Inc. (AOTA) believes that requiring occupational therapists to have one (1) year of experience before supervising an occupational therapy assistant would unfairly restrict recent occupational therapy graduates as well as occupational therapy assistants of any experience level and



place additional burdens on employers seeking to fill an occupational therapist position. This could lead to unfilled positions, unsupervised occupational therapy assistants and decreased access to occupational therapy services. In addition, having this requirement would not guarantee that supervision of occupational therapists would be performed in a more satisfactory manner. Copies of AOTA's Commission on Practice documents, *Parameters for Appropriate Supervision of the Occupational Therapy Assistant and Roles and Responsibilities of the Occupational Therapist and the Occupational Therapy Assistant During the Delivery of Occupational Therapy Services* were included with the comment for the board to use as additional guidance with licensees regarding their roles and responsibilities in the appropriate supervision of occupational therapy assistants. AOTA requested that the board delete subsection (3)(B).

COMMENT: The board received an e-mail from a member of the Missouri Occupational Therapy Association supporting the comments from AOTA.

COMMENT: As an educator, the commenter is concerned that this rule would affect the ability of the new graduates to secure a job. In many settings there is only one occupational therapist. Employers would be hesitant to hire a new graduate if they were unable to supervise any occupational therapy assistants. As an area manager for a contract company, the commenter also has serious concern about the impact this would have on the more rural areas. In the larger metropolitan areas, there are more therapists to choose from but in some of the smaller areas, there is only one (1) or two (2) occupational therapists in the country and this restriction would severely limit the applicant pool in these areas. It would also severely limit the ability of new graduates in the more rural areas to practice. The commenter requested an extension of the deadline for comments. With the holidays there have been many people who have been off work and unable to respond to the proposals. The commenter was expecting these guidelines out much earlier in the fall and commented that most clinicians in the state have not had a chance to view the proposed changes.

RESPONSE: The board's proposed change simply makes the requirement of the occupational therapist supervising an occupational therapy assistant or occupational therapy assistant limited permit holder consistent with the requirement of the occupational therapist supervising an occupational therapy limited permit holder, see board rule 4 CSR 205-4.020(3)(A). Furthermore, AOTA's *Parameters for Appropriate Supervision of the Occupational Therapy Assistant*, states "One of the participants (the supervisor) possesses skill, competence, experience, education, credentials or authority in excess of those possessed by the other participant(s) (the supervisee(s))." The board's amendment allows the occupational therapist to obtain such before stepping into the supervising role. In response to one commenter's request for a deadline extension the board advised that it is not able to extend the comment period. The proposed rules were open for a public comment of thirty (30) days and were posted on the board's website for review as well.

#### **Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT**

#### **Division 205—Missouri Board of Occupational Therapy Chapter 5—Continuing Competency Requirements**

#### **ORDER OF RULEMAKING**

By the authority vested in the Missouri Board of Occupational Therapy under sections 324.065 and 324.080, RSMo 2000 and 324.086, RSMo Supp. 2001, the board amends a rule as follows:

#### **4 CSR 205-5.010 Continuing Competency Requirements is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 2, 2002 (27 MoReg 2153-2158). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: One comment was received and the board filed an amended fiscal note.

COMMENT: The American Occupational Therapy Association, Inc. (AOTA) suggested that the heading in the second column of section (7) titled "Minimum Continuing Competency Credit" may be confusing to licensees and suggested a more descriptive title would be "Continuing Competency Credit Value" or "Continuing Competency Credit Equivalent" or a similar label. AOTA further stated that the chart mirrored continued competency requirements for certification renewal developed by the National Board for Certification in Occupational Therapy (NBCOT) with few exceptions. One of those exceptions is the elimination of the reference to continuing education offered by AOTA Approved Providers and substituting continuing education "accepted by the certifying entity approved by the division." Section 324.050, RSMo defines certifying entity as the non-governmental agency of association, which certifies or registers individuals who have completed academic and training requirements. The statutory definition of certifying entities does not refer in any manner to continuing competency requirements. Continuing education activities offered by AOTA and AOTA Approved Providers represent high quality learning options that are relevant to occupational therapy. NBCOT recognized the added value of these offerings by including them in a separate category in their certification renewal requirements and AOTA requests that the board do that as well as for the full twenty-four (24) continued competency credits (CCC). AOTA suggested the following change to row two (2) of the table in section (7): Attending workshops, seminars, lectures, professional conferences offered by AOTA or AOTA Approved Providers. In addition, reference to other providers should be added to this category for twelve (12) CCC: Attending workshops, seminars, lectures, professional conferences offered by other providers. AOTA advised the board of its Professional Development Tool, which will be available in early 2003. The Tool includes self-assessment and professional development plan components. AOTA suggested the board include this an acceptable option in the "Outcomes of Self-Assessment and Professional Development Plan" category. In section (8), the board grants automatic acceptance for workshops, seminars, lectures and professional conferences accepted by the "certifying entity approved by the division." AOTA requests that the board also grant automatic acceptance of continuing education activities offered or sponsored by AOTA or offered by AOTA Approved Providers. AOTA commended the board for implementing continuing competency requirements for licensure renewal and stated that AOTA has long endorsed the professional responsibility of each occupational therapy practitioner to maintain their continuing competency in all the roles that they assume within the profession. AOTA also believes that state licensure boards are the appropriate entity to enforce these requirements.

COMMENT: The board received an e-mail from a member of the Missouri Occupational Therapy Association supporting the comments from AOTA.

RESPONSE: The board does not feel the heading "Minimum Continuing Competency Credit" is confusing. The chart merely states the minimum and maximum credits that may be earned in each category outlined in the chart. The board will clarify this matter should a licensee inquire. In response to the AOTA's suggestion to specifically mention the association as an approved provider, the board references section 324.050(2), RSMo which provides the definition of a certifying entity. Under section 324.068, RSMo the Division of Professional Registration is responsible for approving or disapproving certifying entities, the division has approved NBCOT as

the certifying entity. The board points out that in the current rules and regulations and statutes that NBCOT is never specifically mentioned, it is only made reference to by the term certifying entity. This is due to the fact that should the division ever decide to approve a different certifying entity or should NBCOT change their name the board would not have to propose a rule amendment to accommodate the change. In response to AOTA's suggestion to mention the association specifically, the board refers to NBCOT's most recent publication, *Report to the Profession*. Within this publication is an article regarding questions about certification renewal. One section of the article is entitled "What Constitutes an Approved Provider," which states that NBCOT has expanded its Approved Provider Program to include AOTA, therefore, the board feels it is appropriate to leave the proposed language as it appeared in the December 2, 2002 *Missouri Register*. Since NBCOT accepts AOTA as an approved provider the Missouri Board of Occupational Therapy will automatically approve such as well. As for the AOTA's Professional Development Tool, the board will review this document when it becomes available.

COMMENT: The board noted a discrepancy in the private entity fiscal note.

RESPONSE AND EXPLANATION OF CHANGE: A revised fiscal note has been filed.

PRIVATE ENTITY FISCAL NOTE  
REVISED

I. RULE NUMBER

Title 4 -Department of Economic Development  
Division 205 - Missouri Board of Occupational Therapy  
Chapter 5 - Continuing Competency Requirements  
Proposed Amendment - 4 CSR 205-5.010 Continuing Competency Requirements  
Prepared January 13, 2003 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
2500	Licenseses (\$200)	\$500,000.00
	Estimated Biennial Cost of Compliance for the Life of the Rule	\$500,000.00 with a continues annual growth rate of \$80,000

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. Based on information received from a representative of the Missouri Occupational Therapy Association, the board estimates that the average cost of continuing education is \$200 per day for a course, seminar, etc. The board estimates licensees will spend 5 days per renewal period obtaining the required number of continuing competency hours. Of those 5 days, 1 day will be spent attending a course, seminar, etc. The other 3 days licensees will be spent obtaining continuing education by completing activities that have no cost associated with them (i.e., giving presentation, teaching, reading articles, employer sponsored activities, etc.)
2. The board estimates that in 2003 licensees will begin obtaining competency hours for the 2005 renewal period. The board estimates 2500 licensees will be affected based on actual figures from FY02 and projected figures in FY03 and FY04. The board also estimates that they will license 400 new licensees per year. Therefore, the board estimates that the private entity cost for this fiscal note will be approximately \$500,000 during in 2003 with a continuous annual growth rate of \$800,000 for the life of the rule.
3. It is not possible to estimate all costs (i.e., mileage, meals, and lodging) that a licensee could incur in obtaining the required continuing education.
4. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee

**Title 5—DEPARTMENT OF ELEMENTARY  
AND SECONDARY EDUCATION  
Division 30—Division of Administrative and Financial  
Services  
Chapter 660—School Finance**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Education under sections 161.092, RSMo Supp. 2002 and 163.021 and 171.031, RSMo 2000, the board adopts a rule as follows:

5 CSR 30-660.070 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 2, 2002 (27 MoReg 2191). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** The board received one comment on the proposed rule.

**COMMENT:** The board received a comment noting a typographical error in section (1).

**RESPONSE AND EXPLANATION OF CHANGE:** The board carefully reviewed the comment and changed the wording in section (1) which is reprinted for clarity.

**5 CSR 30-660.070 Video Programming in Schools**

(1) The school term and the school day shall meet the requirements pursuant to state laws and regulations. Time allocated to the general mandatory use, by all or a major portion of students enrolled in a school, of a video or audio program or other offering which is not directly related to the curriculum of the school and the class may not be considered in meeting the eligibility requirements for state aid pursuant to applicable state laws and regulations or the minimum school term requirements pursuant to applicable state laws and regulations.

**Title 5—DEPARTMENT OF ELEMENTARY  
AND SECONDARY EDUCATION  
Division 50—Division of School Improvement  
Chapter 270—Early Childhood Education**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Education under sections 178.691–178.699, RSMo 2000 and 161.092, RSMo Supp. 2002, the board amends a rule as follows:

**5 CSR 50-270.010 General Provisions Governing Programs  
Authorized Under the Early Childhood Development Act  
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 2, 2002 (27 MoReg 2191–2192). One change has been made in the text of the *Early Childhood Development Act Program Guidelines and Administrative Manual*, which is incorporated by reference. No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** The board received one (1) letter of comment on this proposed amendment after an internal review.

**COMMENT:** The board received a comment noting the page number referencing the “high-needs” characteristics was omitted from the incorporated by reference material.

**RESPONSE AND EXPLANATION OF CHANGE:** The board agrees to add the page number that was omitted from the incorporated by reference material on page twenty-one (21).

**COMMENT:** A comment noted that in the incorporated by reference material regarding the number of basic contacts a family with children ages three to five (3–5) years must receive in order to be eligible for additional contacts is incorrect. To be eligible for additional contacts, a family with children ages three to five (3–5) years must receive one (1) basic contact, not five (5) basic contacts.

**RESPONSE AND EXPLANATION OF CHANGE:** The board agrees to correct the number of basic contacts in the incorporated by reference material.

**COMMENT:** A comment was received regarding the incorporated by reference material which stated that additional reimbursement for families with two (2) or more children will not apply to families with children ages three to five (3–5) years.

**RESPONSE AND EXPLANATION OF CHANGE:** The board agrees that families with children ages three to five (3–5) years with two (2) or more children are not eligible for additional reimbursement and this change is made in the incorporated by reference material.

**Title 5—DEPARTMENT OF ELEMENTARY  
AND SECONDARY EDUCATION  
Division 50—Division of School Improvement  
Chapter 380—Technology Grants**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Education under sections 161.092 and 182.827, RSMo Supp. 2002, the board adopts a rule as follows:

**5 CSR 50-380.020 Internet Filtering is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 2, 2002 (27 MoReg 2196–2197). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** No comments were received.

**Title 5—DEPARTMENT OF ELEMENTARY  
AND SECONDARY EDUCATION  
Division 60—Vocational and Adult Education  
Chapter 100—Adult Education**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Education under sections 161.092, RSMo Supp. 2002 and 161.093, RSMo 2000, the board amends a rule as follows:

**5 CSR 60-100.020 is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2002 (27 MoReg 1941–1942). Those subsections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.



SUMMARY OF COMMENTS: The board received one (1) letter of comment on the proposed amendment.

COMMENT: The board received a comment from MSBA stating that the amendment appeared to be in conflict with another portion of the rule. The comment also sought clarification whether a seventeen (17) year old needed to have withdrawn from school prior to taking the test.

RESPONSE AND EXPLANATION OF CHANGE: The board carefully reviewed the comments and decided to change the rule's wording in subsections (1)(B) and (1)(C) for clarity and uniformity.

**5 CSR 60-100.020 Administration of High School Equivalence Program**

(1) To be eligible to take the General Educational Development (GED) tests and earn a Missouri High School Equivalency Certificate, a person must be a resident of Missouri (with a Missouri mailing address), and meet one (1) of the following requirements:

(B) Be seventeen (17) years of age and withdrawn from school for at least six (6) months from the last day of school attendance;

(C) Be currently enrolled in school and qualify as a participant in an approved GED Option Program for at-risk youth; or

**Title 5—DEPARTMENT OF ELEMENTARY  
AND SECONDARY EDUCATION  
Division 60—Vocational and Adult Education  
Chapter 480—Employment Training**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Education under sections 161.092, RSMo Supp. 2002 and 178.430, 178.440, 178.450, 178.460 and 178.530, RSMo 2000, the board rescinds a rule as follows:

**5 CSR 60-480.100** Standards for the Determination of Eligible Training Providers and Administration of Reimbursement for the Education of Persons Under the Workforce Investment Act of 1998 and Other Employment Training Funding Sources Contracting With the State Board of Education **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on November 1, 2002 (27 MoReg 1943). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 5—DEPARTMENT OF ELEMENTARY  
AND SECONDARY EDUCATION  
Division 60—Vocational and Adult Education  
Chapter 480—Employment Training**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Education under sections 161.092, RSMo Supp. 2002 and 178.430, 178.440, 178.450, 178.460 and 178.530, RSMo 2000, the board adopts a rule as follows:

**5 CSR 60-480.100** Standards for the Determination of Eligible Training Providers and Administration of Reimbursement for the

Education of Persons Under the Workforce Investment Act of 1998 and Other Employment Training Funding Sources Contracting With the State Board of Education **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on November 1, 2002 (27 MoReg 1943-1946). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 5—DEPARTMENT OF ELEMENTARY  
AND SECONDARY EDUCATION  
Division 60—Vocational and Adult Education  
Chapter 900—Veterans' Education**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Education under sections 161.092, RSMo Supp. 2002 and 161.172, 178.430, 178.530, 178.590 and 178.610, RSMo 2000, the board amends a rule as follows:

**5 CSR 60-900.050** Standards for the Approval of Courses for the Education of Persons Under Veterans' Education and Vocational Rehabilitation **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2002 (27 MoReg 1947-1949). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 5—DEPARTMENT OF ELEMENTARY  
AND SECONDARY EDUCATION  
Division 70—Special Education  
Chapter 742—Special Education**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Education under section 178.430, RSMo 2000, the board hereby amends a rule as follows:

**5 CSR 70-742.141** is amended.

A notice of proposed rulemaking was not published because state program plans required under federal education acts or regulations are specifically exempt under section 536.021, RSMo. Public hearings were held on September 19, 2002 in St. Louis; September 23, 2002 in St. Joseph; and September 24, 2002 in Jefferson City. Comments received were considered prior to submitting the application to the United States Department of Education.

This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*. This rule describes Missouri's services for infants and toddlers with disabilities, in accordance with Part C of the Individuals with Disabilities Education Act, Public Law 105-17.

**5 CSR 70-742.141 Individuals with Disabilities Education Act, Public Law 105-17, Part C.** This amendment of incorporated by

reference material is needed to bring the program plan in compliance with federal statutes.

*the one (1)-year extension by the federal government to submit a new state plan.*

**PURPOSE:** *The Department of Elementary and Secondary Education is eligible to apply for and receive federal funds under the Individuals with Disabilities Education Act of 1986 for the provision of early intervention services to infants and toddlers with disabilities. This rule incorporates by reference changes to the annual program plan required by new federal statutes for the provision of the services to eligible children.*

(2) The Missouri state plan for the Individuals with Disabilities Education Act (IDEA), Part C contains the administrative provisions for the delivery of the state's federally assisted early intervention system. The Missouri state plan for the IDEA, Part C 2003 is hereby incorporated by reference and made a part of this rule.

(5) The content of this state plan, as submitted to the United States Department of Education, meets the federal statute and Missouri's compliance in the following areas:

(A) Submission statements and certification; and

(B) Substantive Requirements.

1. Definitions
2. Lead agency
3. State Interagency Coordinating Council
4. Public participation
5. Equitable distribution of resources
6. Transition to preschool programs
7. Adoption of state policy
8. Traditionally underserved populations
9. Services to all geographic areas
10. Annual performance report requirement
11. Annual Data Collection Report requirement
12. General Education Provisions Act
13. State eligibility criteria and procedures
14. Central directory
15. Timetables for serving all eligible children
16. Public Awareness Program
17. Comprehensive Child Find System
18. Evaluation, assessment, and nondiscriminatory procedures
19. Individualized Family Service Plans (IFSPs)
20. Comprehensive System of Personnel Development (CSPD)
21. Personnel standards
22. Procedural safeguards
23. Supervision and monitoring of programs
24. Lead agency procedures for resolving complaints
25. Policies and procedures related to financial matters
26. Interagency agreements, resolution for individual disputes
27. Policy for contracting or otherwise arranging for services
28. Data collection
29. Natural environments
30. Appendices

A. Education Department General Accounting Rules definitions

B. Public notification of opportunity to comment

**AUTHORITY:** *section 178.430, RSMo 2000, Executive Order 94-22 of the Governor, Public Law 105-17, Individuals with Disabilities Education Act. Original rule filed Dec. 29, 1997, effective March 30, 1998. Amended: Filed July 31, 1998, effective Oct. 30, 1998. Amended: Filed Dec. 7, 2000, effective Feb. 28, 2001. Amended: Filed Dec. 7, 2000, effective March 30, 2001. Amended: Filed Feb. 18, 2003.*

**PUBLIC COST:** *This order of rulemaking will cost state agencies or political subdivisions \$19,344,139 in the aggregate for fiscal year 2003 assuming the life of the rule is for two (2) fiscal years based on*

**FISCAL NOTE  
PUBLIC ENTITY COST**

**I. Rule Number**

Title: Department of Elementary and Secondary Education

Division: 70 Special Education

Chapter: 742 Special Education

Type of Rulemaking: Order of Rulemaking

Rule Number and Name: 5 CSR 70-742.141 Individuals with Disabilities Education Act,  
Public Law 105-17, Part C

**II. SUMMARY OF FISCAL IMPACT**

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Elementary & Secondary Education	\$19,344,139

**III. WORKSHEET**

Cost estimates are based on projected expenditures from all sources during fiscal year 2003. Expenditures support early intervention services, training, technical assistance, and administrative costs for the First Steps system.

**IV. ASSUMPTIONS**

Fund 0101 Appropriation 4112	2,267,839
Fund 0105 Appropriation 4580	10,506,837
Fund 0859 Appropriation 3180	5,286,042
State Department of Health and Senior Services	40,000
State Department of Mental Health	<u>1,243,421</u>
	19,344,139



**Title 5—DEPARTMENT OF ELEMENTARY  
AND SECONDARY EDUCATION  
Division 80—Teacher Quality and Urban Education  
Chapter 805—Educator Preparation**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Education under sections 161.092, RSMo Supp. 2002, and 161.097, 161.099 and 168.021, RSMo 2000, the board amends a rule as follows:

**5 CSR 80-805.015** Procedures and Standards for Approval of Professional Education Programs in Missouri **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2002 (27 MoReg 1950). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 5—DEPARTMENT OF ELEMENTARY  
AND SECONDARY EDUCATION  
Division 80—Teacher Quality and Urban Education  
Chapter 805—Educator Preparation**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Education under sections 161.092 and 168.400, RSMo Supp. 2002, and 161.097 and 168.021, RSMo 2000, the board adopts a rule as follows:

**5 CSR 80-805.040** is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on November 1, 2002 (27 MoReg 1950–1951). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The board received twenty-one (21) letters with comments.

COMMENT: The board received one (1) comment noting that the name of the section, which was Teacher Education, has been changed to Educator Preparation.

RESPONSE AND EXPLANATION OF CHANGE: The board carefully reviewed the comment and changed the chapter name on the proposed rule.

COMMENT: One (1) comment was received from an independent university regarding the omission of a definition for “accredited nonpublic school” and noting that “practicum” is not a term used in the rule.

RESPONSE AND EXPLANATION OF CHANGE: The board carefully reviewed the comment and added the term “accredited nonpublic school” to the definitions in subsection (1)(A) of the rule. The term “practicum” was deleted from subsection (1)(H). The changes are reprinted here for clarity.

COMMENT: The board received seventeen (17) comments from eleven (11) institutions of higher education and two (2) professional organizations about section (2) regarding the omission of a college/university supervisor in the process of observing and evaluating

candidates completing their student teaching requirements as teacher assistants.

RESPONSE AND EXPLANATION OF CHANGE: The board carefully reviewed the comments and amended section (2) to include clinical faculty from the college/university in the student teacher observation and evaluation process except for candidates serving as teacher assistants described in subsection (2)(A). Subsection (2)(B) and sections (3) and (4) have been deleted to allow for further discussion and consideration at a later time. The changes are reprinted here for clarity.

COMMENT: The board received six (6) comments from four (4) institutions of higher education and one (1) professional organization regarding the training for the teachers who observe and evaluate teacher assistants in the fulfillment of their student teaching requirements.

RESPONSE AND EXPLANATION OF CHANGE: The board carefully reviewed the comments and amended subsection (2)(A) to include additional language clarifying acceptable training for teachers who observe and evaluate the teacher assistants. Subsection (2)(B) and sections (3) and (4) have been deleted to allow for further discussion and consideration at a later time. The changes are reprinted here for clarity.

COMMENT: The board received four (4) comments from three (3) institutions of higher education and one (1) professional organization regarding academic credit for individuals who used alternative experiences to fulfill student teaching or other conventional directed field experiences required for certification.

RESPONSE AND EXPLANATION OF CHANGE: The board carefully reviewed the comments and deleted the phrase “for credit” from subsection (2)(A). Subsection (2)(B) and sections (3) and (4) have been deleted to allow for further discussion and consideration at a later time. The changes are reprinted here for clarity.

COMMENT: The board received five (5) comments from three (3) institutions of higher education and two (2) professional organizations regarding completion of all of the requirements in a directed field experience for candidates seeking certification as school principals and the omission of a college/university supervisor in the observation and evaluation process.

RESPONSE AND EXPLANATION OF CHANGE: The board carefully reviewed the comments and deleted subsection (2)(B) and sections (3) and (4) to allow for further discussion and consideration at a later time. The change is reprinted here for clarity.

COMMENT: The board received a comment from one (1) institution of higher education suggesting more specific language for the mentoring component included in the internships for principals and student services personnel.

RESPONSE AND EXPLANATION OF CHANGE: The board carefully reviewed the comment and deleted subsection (2)(B) and sections (3) and (4) to allow for further discussion and consideration at a later time. The change is reprinted here for clarity.

COMMENT: The board received two (2) comments from an institution of higher education regarding the completion of all of the requirements in a directed field experience for candidates for student services certification and the omission of a college/university supervisor in the observation and evaluation process.

RESPONSE AND EXPLANATION OF CHANGE: The board carefully reviewed the comments and deleted subsection (2)(B) and sections (3) and (4) to allow for further discussion and consideration at a later time. The change is reprinted here for clarity.

**5 CSR 80-805.040 Clinical Experience Requirements for Candidates in Professional Education Programs**

(1) For the purpose of this rule, unless the context clearly requires otherwise, the following terms shall mean:

(A) Accredited nonpublic school. A school that has met the standards of a state recognized accrediting agency and has received the approval of such agency;

(B) Board. Missouri State Board of Education;

(C) Clinical experiences. Supervised student teaching or internships that are conducted in approved educational settings such as a public or accredited nonpublic school or classroom. Students in professional education programs are immersed in the learning community and are provided opportunities to develop and demonstrate competence in the professional roles for which they are preparing;

(D) Clinical faculty. Faculty from schools, preschool-grade twelve (12), and institutions of higher education responsible for instructing, supervising, and assessing preservice education students during student teaching assignments, internships, or other field experiences;

(E) Cooperating teacher. A teacher with at least three (3) years experience in a public or accredited nonpublic school setting, having professional classification certification in the content area and grade range being taught, with whom preservice students are placed for student teaching or other field experiences to fulfill the requirements of a professional education program;

(F) Field experiences. Venues in which students in professional education programs may observe, assist, tutor, instruct, and/or conduct research. Field experiences may occur in off-campus settings such as public or accredited nonpublic schools or classrooms;

(G) Internship. A post-licensure or graduate clinical experience under the supervision of clinical faculty; may also refer to a preservice clinical experience;

(H) Mentor. An experienced teacher, administrator, or other school professional with appropriate certification who provides support to a beginning educator by providing instruction, coaching, counseling or other assistance in the performance of his/her duties and responsibilities;

(I) Preservice. The period of time during which a student is undergoing professional training to become a teacher, administrator or other certificated school employee; and/or

(J) Teacher assistant. An individual who has served as an assistant or aide with teaching responsibilities to a certificated teacher in a public school or accredited nonpublic school setting.

(2) Each institution of higher education offering professional education program(s) for teacher certification shall require preservice teacher education students to complete clinical and other field experiences under the supervision of a qualified cooperating teacher and a qualified clinical faculty member from the institution's professional education program in accordance with rules promulgated by the board, with the following exception:

(A) Programs having preservice teacher education students who have been employed in public or accredited nonpublic schools for at least two (2) years as teacher assistants shall accept such experiences in lieu of the conventional student teaching requirement if the following conditions are met:

1. The preservice student's experience as a teacher assistant was concurrent with the student's participation in the professional education program and in the same content area and grade range for which the student is seeking certification;

2. The teacher assistant shall have conducted teaching activities comparable to those required for other preservice education students in conventional student teaching placements and demonstrating similar competencies;

3. The teacher with whom the teacher assistant served meets the qualifications for a cooperating teacher, as defined in this rule;

4. The teacher with whom the teacher assistant served has been provided training for observing and evaluating the assistant's teaching practice through the institution providing the assistant's professional education program or through the school or district's mentor training program; and

5. The teacher assistant has been working with permission and under the authority of the principal of the school or a designee.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 50—Missouri State Highway Patrol  
Chapter 2—Motor Vehicle Inspection Division**

**ORDER OF RULEMAKING**

By the authority vested in the superintendent of the Missouri State Highway Patrol under section 301.190.9, RSMo 2000, the superintendent amends a rule as follows:

**11 CSR 50-2.500 Definitions is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 2, 2002 (27 MoReg 2200). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received during the comment period.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 50—Missouri State Highway Patrol  
Chapter 2—Motor Vehicle Inspection Division**

**ORDER OF RULEMAKING**

By the authority vested in the superintendent of the Missouri State Highway Patrol under section 301.190.9, RSMo 2000, the superintendent amends a rule as follows:

**11 CSR 50-2.510 General Information is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 2, 2002 (27 MoReg 2200-2201). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received during the comment period.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 50—Missouri State Highway Patrol  
Chapter 2—Motor Vehicle Inspection Division**

**ORDER OF RULEMAKING**

By the authority vested in the superintendent of the Missouri State Highway Patrol under section 301.190.9, RSMo 2000, the superintendent amends a rule as follows:

**11 CSR 50-2.520 Procedures is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 2,

2002 (27 MoReg 2201–2202). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received during the comment period.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 75—Peace Officer Standards and Training  
Program  
Chapter 14—Basic Training Centers**

**ORDER OF RULEMAKING**

By the authority vested in the director of the Department of Public Safety under section 590.060.1, RSMo Supp. 2001, the director amends a rule as follows:

**11 CSR 75-14.050 Minimum Standards for a Certified Basic Training Course is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 16, 2002 (27 MoReg 2288). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE  
Division 10—Director of Revenue  
Chapter 41—General Tax Provisions**

**ORDER OF RULEMAKING**

By the authority vested in the director of revenue under section 32.065, RSMo 2000, the director amends a rule as follows:

**12 CSR 10-41.010 Annual Adjusted Rate of Interest is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 2, 2002 (27 MoReg 2209). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 13—DEPARTMENT OF SOCIAL SERVICES  
Division 70—Division of Medical Services  
Chapter 60—Durable Medical Equipment Program**

**ORDER OF RULEMAKING**

By the authority vested in the director of the Division of Medical Services under sections 208.153 and 208.201, RSMo 2000, the director adopts a rule as follows:

**13 CSR 70-60.010 is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 2, 2002 (27 MoReg 2209–2212). Those sections with changes are reprinted

here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Division of Medical Services received four (4) written comments.

COMMENT: The Missouri State Board of Nursing requested that the rule be changed to recognize the authority of advanced practice nurses who have a collaborative practice agreement with a physician that allows for prescription of items covered under the Durable Medical Equipment (DME) program and who have a Medicaid provider number to write a prescription for items covered under the DME program.

RESPONSE AND EXPLANATION OF CHANGE: The Division of Medical Services concurs and will clarify the provisions of sections (2), (5), (6), and (7) of this rule. The DME provider manual, which is updated and incorporated by reference in this order of rulemaking and this rule, clearly states that advanced practice nurses who have a collaborative practice agreement with a physician that allows for prescription of such items may write a prescription for items covered under the DME program.

COMMENT: Two (2) commenters expressed the concern that the reduction in rates paid for durable medical equipment would jeopardize children's access to equipment such as augmentative communication devices and wheelchairs.

RESPONSE: The Division of Medical Services has determined that the Missouri Medicaid program will suffer irreparable harm if the Division of Medical Services does not reduce the reimbursement rates for power and custom wheelchairs and augmentative communication devices by five percent (5%), for oxygen by five percent (5%), from cost plus twenty-five percent (25%) for Healthy Children and Youth (HCY) supplies and cost plus thirty-five percent (35%) for ostomy supplies to cost plus twenty percent (20%), and total parenteral nutrition and other equipment and related supplies is reduced to equal the Medicare fee schedule. Missouri's economic status requires measures to contain cost whenever feasible. The Division of Medical Services does not anticipate that currently enrolled providers will leave the Medicaid DME program because of these reductions. Without this rule, the Division of Medical Services will be faced with the alternative of not being able to make all payments to Medicaid providers by the end of State Fiscal Year 2003 because Missouri's constitution does not allow for spending more money than is available to the state. No changes have been made to the rule as a result of these comments.

COMMENT: One (1) commenter stated that the rule will have little to no adverse effect on the citizens of Missouri covered by Title XIX.

RESPONSE: The Division of Medical Services concurs. No changes have been made to the rule as a result of this comment.

**13 CSR 70-60.010 Durable Medical Equipment Program**

(2) Persons Eligible. Any person who is eligible for Title XIX benefits as determined by the Division of Family Services is eligible for DME when the DME is medically necessary as determined by the treating physician or advanced practice nurse in a collaborative practice arrangement.

(5) Provider Participation.

(A) The following types of providers may be reimbursed by Medicaid for items covered under the DME program if they are enrolled Medicaid providers: rental and sales providers, prosthetic fabricators, rehabilitation centers, orthotic fabricators, physicians (includes M.D., D.O., podiatrists—may dispense orthotic devices and artificial larynx), advanced practice nurses in a collaborative practice arrangement, pharmacies and hospitals.

(6) Covered Services. It is the provider's responsibility to determine the coverage benefits for a Medicaid eligible recipient based on his



or her type of assistance as outlined in the DME manual. Reimbursement will be made to qualified participating DME providers only for DME items, determined by the recipient's treating physician or advanced practice nurse in a collaborative practice arrangement to be medically necessary, and shall include but not be limited to: prosthetics; orthotics; oxygen and respiratory care equipment; parenteral nutrition; ostomy supplies; wheelchairs; augmentative communication devices; and hospital beds. Specific procedure codes that are covered under the DME program are listed in Section 19 of the DME provider manual, which is incorporated by reference in this rule. These items must be for use in the recipient's home when ordered in writing by the recipient's physician or advanced practice nurse in a collaborative practice arrangement. Although an item is classified as DME, it may not be covered in every instance. Coverage is based on the fact that the item is reasonable and necessary for treatment of the illness or injury, or to improve the functioning of a malformed or permanently inoperative body part and the equipment meets the definition of DME. Even though a DME item may serve some useful, medical purpose, consideration must be given by the physician or advanced practice nurse in a collaborative practice arrangement and the DME supplier to what extent, if any, it is reasonable for Medicaid to pay for the item as opposed to another realistically feasible alternative pattern of care. Consideration should be given by the physician or advanced practice nurse in a collaborative practice arrangement and the DME supplier as to whether the item serves essentially the same purpose as equipment already available to the recipient. If two (2) different items each meet the need of the recipient, the less expensive item must be employed, all other conditions being equal.

(7) Documentation. The DME provider and physician or advanced practice nurse in a collaborative practice arrangement shall document how they determined what was the least expensive, feasible alternative for treatment of the illness or injury, or to improve the functioning of a malformed or permanently inoperative body part.

**Title 13—DEPARTMENT OF SOCIAL SERVICES  
Division 70—Division of Medical Services  
Chapter 65—Rehabilitation Center Program**

**ORDER OF RULEMAKING**

By the authority vested in the director of the Division of Medical Services under sections 208.153 and 208.201, RSMo 2000, the director adopts a rule as follows:

13 CSR 70-65.010 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 2, 2002 (27 MoReg 2213-2214). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** The Division of Medical Services received four (4) written comments. Division of Medical Services staff commented.

**COMMENT:** Two (2) families commented that their children born with Down syndrome had benefited greatly from numerous therapies provided through the First Steps Program and they would hate to see families with fewer therapists to choose from if the rates were reduced.

**RESPONSE:** The Division of Medical Services does not anticipate that currently enrolled providers will leave the Medicaid rehabilitation center program over this four and seven-tenths percent (4.7%) decrease from ten dollars and fifty cents (\$10.50) per quarter hour to

ten dollars (\$10) per quarter hour. The Division of Medical Services does not anticipate that currently enrolled rehabilitation centers that may provide group speech therapy sessions for children will not provide those group speech therapy sessions when the reimbursement rate is reduced from three dollars and fifty cents (\$3.50) per quarter hour to three dollars (\$3) per quarter hour. Missouri's economic status requires measures to contain cost whenever feasible in order to sustain vital services. Without these minimum adjustments the entire health care program for Missouri's vulnerable citizens is at risk. No changes have been made to the rule as a result of these comments.

**COMMENT:** A provider of services commented that the result of a fifty cents (\$.50) per fifteen (15) minute decrease in reimbursement would force many therapists to abandon the provision of services in the natural environment or, at the worst, drop out of the First Steps Program.

**RESPONSE:** The Division of Medical Services does not anticipate that currently enrolled providers will leave the Medicaid rehabilitation center program because of a less than five percent (5%) decrease. Missouri's economic status requires measures to contain cost whenever feasible in order to sustain vital services. Without these minimum adjustments the entire health care program for Missouri's vulnerable citizens is at risk. No changes have been made to the rule as a result of this comment.

**COMMENT:** One (1) commenter stated that the rule will have little to no adverse effect on the citizens of Missouri covered by Title XIX.

**RESPONSE:** The Division of Medical Services concurs. No changes have been made to the rule as a result of this comment.

**COMMENT:** Division of Medical Services staff commented that the wording in section (4) was not clear because some services need a referral while other services need a prescription.

**RESPONSE AND EXPLANATION OF CHANGE:** Section (4) will be changed to make clear which Medicaid covered service needs a referral and which Medicaid covered service needs a prescription. This information can also be found in the Medicaid manual which is incorporated by reference into the rule.

**13 CSR 70-65.010 Rehabilitation Center Program**

(4) Covered Services. The recipient shall have a referral for speech therapy services from a Medicaid enrolled primary care provider. The recipient shall have a prescription for occupational and physical therapy services from a Medicaid enrolled primary care provider.

**Title—15 ELECTED OFFICIALS  
Division 30—Secretary of State  
Chapter 3—Voter Identification**

**ORDER OF RULEMAKING**

By the authority vested in the secretary of state under section 115.427, RSMo Supp. 2002, the secretary adopts a rule as follows:

15 CSR 30-3.010 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on November 15, 2002 (27 MoReg 2072-2073). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** One (1) comment was received.

COMMENT: In order to comply with federal voter identification requirements, the Voter Identification Affidavit should include both the name and address of the voter.

RESPONSE AND EXPLANATION OF CHANGE: The Elections Division agrees with this comment and a "Voter's Address" line has been added to the Voter's Identification Affidavit.

#### 15 CSR 30-3.010 Voter Identification Affidavit

(1) In addition to the list of acceptable forms of personal identification accepted as proof of identity in order to vote, found in section 115.427.1(6), RSMo, personal knowledge of the voter by two (2) supervisory judges, one (1) from each major political party, shall be acceptable voter identification upon the completion of an approved affidavit in substantially the following form as included herein:

#### VOTER'S IDENTIFICATION AFFIDAVIT

Warning: It is against the law for anyone to vote, or attempt to vote, without having a lawful right to vote.

\_\_\_\_\_  
Print name of voter

\_\_\_\_\_  
Signature of voter

\_\_\_\_\_  
Voter's Address

#### STATEMENT OF SUPERVISORY JUDGES

*Now comes before us \_\_\_\_\_ who does not have a proper form of identification as required under section 115.427.1, RSMo. We the undersigned hereby certify that we have personal knowledge of the voter.*

\_\_\_\_\_  
Supervisory Judge Signature (Republican)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Supervisory Judge Signature (Democrat)

\_\_\_\_\_  
Date

**Title 15—ELECTED OFFICIALS  
Division 30—Secretary of State  
Chapter 8—Provisional Voting Procedures**

**ORDER OF RULEMAKING**

By the authority vested in the secretary of state under section 115.430, RSMo Supp. 2002, the secretary adopts a rule as follows:

**15 CSR 30-8.010 Provisional Ballots and Envelopes is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on November 15, 2002 (27 MoReg 2074–2075). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 15—ELECTED OFFICIALS  
Division 30—Secretary of State  
Chapter 8—Provisional Voting Procedures**

**ORDER OF RULEMAKING**

By the authority vested in the secretary of state under section 115.430, RSMo Supp. 2002, the secretary adopts a rule as follows:

**15 CSR 30-8.020 Procedures to Determine Eligibility for  
Provisional Ballots to Be Counted is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on November 15, 2002 (27 MoReg 2076–2077). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The secretary of state received three (3) comments on the proposed rule.

COMMENT: Richard Struckhoff, the Greene County Clerk, requested that a more detailed description of the role of the provisional ballot be added to the purpose section of the rules and that the purpose statement should briefly summarize the context for when a person is eligible/ineligible to vote provisionally.

RESPONSE: It is the opinion of this office that the existing purpose statement adequately defines the purpose of the rule.

COMMENT: Yvonne Hunter of the St. Louis City Election Board made three (3) requests. First, that once a provisional voter has been found to be registered and qualified, a photocopy of their registration be attached to the provisional ballot envelope, in order to match signatures. Secondly, Ms. Hunter requested that once a provisional voter has been found registered and qualified, their name and registration information be added to the election authority's database. Thirdly, Ms. Hunter requested that the election authority confirm that the individual casting a provisional ballot did not otherwise vote in the election.

RESPONSE: It is the opinion of this office that photocopying the provisional voter's registration once they have been found to be registered and qualified would be an unnecessary burden to the election authorities. Secondly, we are of the opinion that both the statute (115.430, RSMo Supp. 2002) and the proposed rule sufficiently address the procedure for handling provisional voters that are found to be registered. Finally, we believe that the proposed rule addresses

the procedure for ensuring that provisional voters do not otherwise vote in the election.

COMMENT: Robert Hess requested that the rules be clarified so that the same term used to identify a potential provisional voter's registration status, rather than using eligible, qualified and registered, or entitled. Mr. Hess also requested that the term immediately determined be defined, possibly using *U.S. v. Bd. Of Election Commissioners for the City of St. Louis* definition of ten (10) minutes.

RESPONSE: The opinion of this office is that the terms eligible, qualified and registered, and entitled are used consistently throughout the rules and a change would be unnecessary. We also believe that defining the phrase "immediately determined" would create limitations on provisional voting that are not included in the statutes and outside the scope of this office's rulemaking authority.

**Title 15—ELECTED OFFICIALS  
Division 30—Secretary of State  
Chapter 9—Uniform Counting Standards**

**ORDER OF RULEMAKING**

By the authority vested in the secretary of state under section 115.439, RSMo Supp. 2002, the secretary adopts a rule as follows:

**15 CSR 30-9.040 Write-In Stickers is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on November 15, 2002 (27 MoReg 2078). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 15—ELECTED OFFICIALS  
Division 30—Secretary of State  
Chapter 200—State Library**

**ORDER OF RULEMAKING**

By the authority vested in the secretary of state under sections 182.825 and 182.827, RSMo Supp. 2002, the secretary adopts a rule as follows:

**15 CSR 30-200.030 Public Access Computers in Public Libraries  
is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 2, 2002 (27 MoReg 2217–2218). No changes have been made in the text of the proposed rule, so it is not reprinted here. This rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The secretary of state received one (1) e-mailed comment on the proposed rule. A public hearing on this proposed rule was held January 10, 2003, and the public comment period ended that day. No comments were made at the hearing.

COMMENT: Jackie Thomas with the Poplar Bluff Public Library was concerned that examples published in the Assumptions section in the Fiscal Impact statement of the proposed rule would have the effect of law.

RESPONSE: The examples within this section were included to provide an adequate explanation of the scope of potential applications a



library might use in complying with the statute, in order to indicate why actual costs could not be estimated.

**Title 16—RETIREMENT SYSTEMS**  
**Division 50—The County Employees' Retirement Fund**  
**Chapter 10—County Employees' Defined**  
**Contribution Plan**

**ORDER OF RULEMAKING**

By the authority vested in the County Employees' Retirement Board under sections 50.1000, RSMo Supp. 2001 and 50.1210–50.1260, RSMo 2000 and Supp. 2001, the board amends a rule as follows:

**16 CSR 50-10.030 Contributions is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 2, 2002 (27 MoReg 2219). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE**  
**Division 400—Life, Annuities and Health**  
**Chapter 7—Health Maintenance Organizations**

**ORDER OF RULEMAKING**

By the authority vested in the director of the Missouri Department of Insurance under section 374.045, RSMo 2000, the director rescinds a rule as follows:

**20 CSR 400-7.095 Provider Network Adequacy Standards is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on November 1, 2002 (27 MoReg 1989). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE**  
**Division 400—Life, Annuities and Health**  
**Chapter 7—Health Maintenance Organizations**

**ORDER OF RULEMAKING**

By the authority vested in the director of the Missouri Department of Insurance under section 374.045, RSMo 2000, the director adopts a rule as follows:

**20 CSR 400-7.095 is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on November 1, 2002 (27 MoReg 1989–1996). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Department of Insurance (MDI) received six (6) comments on the proposed rule.

COMMENT: Two (2) parties opposed the provisions of (1)(M), (1)(O) and (3)(A)1.A. Amending these provisions would allow Health Maintenance Organizations (HMOs) to get credit for adequate access to care if physician extenders are serving the HMO's enrollees in some areas.

RESPONSE AND EXPLANATION OF CHANGE: The MDI's purpose in promoting HMO coverage in rural areas is furthered by allowing HMOs to get credit for physician extenders who provide medical care to enrollees. However, MDI concurs that the use of physician extenders could be inappropriate in some cases. Therefore, the provisions of (1)(M), (1)(O) and (3)(A)1.A. have been modified to remove the reference to physician extenders. A new section has been added to the proposed rule at section (3)(A)1.B.(V) that will allow HMOs to request an exception for physician extenders only in areas where the access standards cannot be met with physicians alone.

COMMENT: Four (4) parties requested the addition of the American Accreditation Healthcare Commission (AAHC or URAC) accreditation as an alternative to filing provider data sets.

RESPONSE AND EXPLANATION OF CHANGE: The MDI has determined that the value of URAC health plan accreditation is comparable to the value of National Committee for Quality Assurance (NCQA) or the Joint Commission on the Accreditation of Healthcare Organizations (JCAHO) accreditation for Missouri consumers. Therefore, the proposed rule has been modified accordingly.

COMMENT: One (1) party opposed the provisions of (2)(A)1.B.(III), which would allow JCAHO accreditation "without type I recommendations" or better as an alternative to filing provider data sets because type I recommendations may or may not relate to an accredited network's ability to provide adequate access to medical care.

RESPONSE: The MDI believes that the value of accreditation lies beyond ensuring adequate access to medical care. When full accreditation is required to avoid MDI's direct review of access to care, then Missouri consumers can realize the added advantage of accreditation. Therefore, no change has been made to the proposed rule in response to this comment.

COMMENT: One (1) party opposed the term "employer specific managed care plan" at subsection (1)(E) because the law recognizes that special situations may exist where, in addition to specifying an HMO health benefit plan, an employer may agree to a network that is different from the network(s) otherwise offered by the HMO. Since the critical issue is the network, not the benefit plan, it was suggested that the term used should be "employer specific managed care network" or some other alternative definition.

RESPONSE AND EXPLANATION OF CHANGE: The MDI agrees that an alternative term may help clarify the language of the proposed regulation. Therefore, the provisions of (1)(E), (2)(A)3.C. and (2)(C) have been changed accordingly.

COMMENT: One (1) party objected to the application of access standards to reduced employer specified networks.

RESPONSE: Based on MDI's review of this issue and relevant law, the MDI believes that it is authorized to set minimum standards to ensure adequate access to care under any HMO plan. Therefore, no change to the proposed rule has been made in response to this comment.

COMMENT: One (1) party objected to the definition of "managed care plan" and the "coupling" of benefits with networks as unclear and administratively burdensome. The act of clearly identifying each benefit plan with a specific network was portrayed as expensive and

confusing to the consumer. Since an access plan is required for each managed care plan, this too was presented as part of the objection.

RESPONSE: "Managed care plan" is already defined in statute as a health benefit plan which promotes the use of a limited network of providers. The coupling of benefits to networks is therefore a reflection of existing requirements. Therefore, no change has been made in response to this comment.

COMMENT: One (1) party opposed section (2)(A)1.A.(I) on the grounds that it implies that health plans are required to include both participating and nonparticipating provider information.

RESPONSE AND EXPLANATION OF CHANGE: The intent of this section of the proposed rule is to specify that the practice address of participating professionals is the address of interest, as opposed to a billing address or an administrative office. Therefore, the provisions of (2)(A)1.A.(I) have been modified for clarification purposes.

COMMENT: One (1) party opposed the provisions of (2)(A)3.A.(III), and asked for the standards in the event an HMO has operated in a county for less than one (1) year. The objection included a statement urging the MDI to focus less on county boundaries.

RESPONSE AND EXPLANATION OF CHANGE: The provisions of (2)(A)3.A.(III) have been modified accordingly, so that the same standards apply regardless of the length of time a plan has been operating. The reference to counties has also been removed.

COMMENT: One (1) party requested clarification of what constitutes an unacceptable affidavit, as referenced in section (4)(B)2.

RESPONSE: The MDI feels the requirements for an acceptable affidavit are reasonably and adequately addressed in various sections throughout the proposed rule. Therefore, no changes have been made in response to this comment.

COMMENT: It was suggested that accredited HMOs should not have to file annual access plans because accrediting organizations conduct reviews on two (2)- to three (3)- year cycles.

RESPONSE: All accrediting organizations require HMOs to be in ongoing and continuous compliance with accreditation criteria. As such, plans that do not review their own access situation on a fairly frequent and routine basis may run into problems mid-term or mid-cycle regarding the adequacy of their network of providers relative to their insureds. Therefore, requiring an annual access plan to be filed with the department would assure consumers have adequate and sufficient access to network providers. For these reasons, no change has been made to the proposed rule in response to this comment.

EXPLANATION OF ADDITIONAL CHANGES: Based upon internal discussions and review, the proposed rule has been modified as follows.

Subsection (1)(D) has been modified to clarify the purpose of Exhibit A. A definition of the term "enrollee access rate" was added in alphabetical order to the terms defined in section (1), and the subsections of section (1) have been renumbered accordingly. The provisions of (1)(P)1., formerly (1)(O)1., were modified so that a pediatric trauma unit cannot be the sole trauma unit an HMO uses to satisfy the requirements for an adequate network. The provisions of (1)(P)4., formerly (1)(O)4., were modified to reflect the possibility that specialty cancer centers may not qualify as secondary hospitals, but would still be the best source of cancer services, and to reflect the fact that the Missouri Hospital Profiles do not currently publish the types of cancer treatments offered.

The provisions of (2)(A)1.B. were revised to clarify that a separate affidavit will be required for each separate managed care plan to which accreditation may apply. The provisions of (2)(A)3.A. were modified so that accredited HMOs are not exempt from responding to the requirements for the written portion of the access plan. The provisions of (2)(A)3.D. were also modified to refer specifically to the providers listed in Exhibit A. The provisions of (2)(A)3.D. were

changed to require all access plans to include the product names being used to market managed care plans. A new section was also added to reiterate the director's authority to request additional information as needed. The provisions of (2)(B)1. were modified to remove the reference to Medicare+Choice for clarification purposes, and to refer to accreditation generally. A new section was also added allowing waiver of the requirement to file an access plan under specified conditions.

The term "distance standard rate" has been replaced with the term "enrollee access rate." The provisions of (3)(A)2. were modified to add separate sections reflecting different types of accreditation.

## 20 CSR 400-7.095 HMO Access Plans

### (1) Definitions.

(D) Distance standard—The travel distance standards set forth in Exhibit A, which is included herein. Each distance standard represents the maximum number of miles an enrollee may be required to travel in order to access participating providers of the managed care plan. The standards set forth in Exhibit A apply for members living or working within an HMO's approved service area.

(E) Employer specific network—A network created for a specific employer group that differs from the networks of all other managed care plans customarily offered by the HMO in either the identity or number of providers included within the network. An employer specific network constitutes a different or reduced network for the purposes of section 354.603.1(4), RSMo, and is a distinct managed care plan for access plan filing purposes.

(F) Enrollee access rate—The percentage of a managed care plan's enrollees living or working within a county who are able to access a participating provider within the travel distance standards set forth in Exhibit A.

(G) Health benefit plan—A policy, contract, certificate or agreement entered into, offered or issued by an HMO to provide, deliver, arrange for, pay for or reimburse any of the costs of health care services, and identified by the form number or numbers used by the HMO when the health benefit plan was filed for approval pursuant to 20 CSR 400-7.010 and 20 CSR 400-8.200.

### (H) Hospitals—

1. Basic—Hospitals with central services, dietary services, emergency services, medical records, nursing services, pathology and medical laboratory services, pharmaceutical services, radiology services, social work services and an inpatient care unit.

2. Secondary—Hospitals with all of the facilities listed under "Basic," plus one (1) or more operating rooms, obstetrics unit, and intensive care unit.

(I) Managed Care Plan—A health benefit plan that either requires an enrollee to use, or creates incentives, including financial incentives, for an enrollee to use an identified set of health care providers managed, owned, under contract with or employed by the HMO. A managed care plan is a type of health benefit plan. For purposes of this rule, a managed care plan consists of a health benefit plan and a network. If an HMO offers managed care plans where the health benefit plan, the network or both differ, the HMO is offering more than one (1) managed care plan. For example:

1. If the HMO offers the same health benefit plan with two (2) different networks, the HMO is offering two (2) managed care plans.

2. If the HMO offers two (2) different health benefit plans with the same network, the HMO is offering two (2) managed care plans.

3. If the HMO offers two (2) different health benefit plans each with a different network, the HMO is offering two (2) managed care plans.

(J) Network—The group of participating providers providing services to a managed care plan or pursuant to a health benefit plan established by an HMO. The meaning of the term network is further clarified for purposes of this rule: A network is one (1) component of a managed care plan. A network is the identified set of health care providers managed, owned, under contract with or employed by the

HMO, either directly or indirectly, for purposes of rendering medical services to all enrollees of a managed care plan.

(K) Offer—An HMO is offering a managed care plan when it is presenting that managed care plan for sale in Missouri.

(L) Participating provider—A provider who, under a contract with the HMO or with the HMO's contractors or subcontractors, has agreed to provide health care services to all enrollees of a managed care plan with an expectation of receiving payment directly or indirectly from the HMO. The following types of providers are not participating providers:

1. Providers to which an enrollee may not go for covered services, with or without a referral from a primary care provider, are not participating providers;

2. Providers that are only available in the event that an enrollee has a point-of-service benefit level, or other option attached to the HMO level of benefits, are not participating providers for purposes of complying with this rule; and

3. A provider that has agreed to render services to an enrolled person in an isolated instance for purposes of treating a medical need that cannot otherwise be met within the network is not a participating provider.

(M) Pharmacy—Any pharmacy, drug store, chemical store or apothecary shop possessing a valid and current permit issued by the state of Missouri Board of Pharmacy and doing business for the purposes of compounding, dispensing and retailing any drug, medicine, chemical or poison to be used for filling a physician's prescription.

(N) Primary care provider (PCP)—A participating health care professional designated by the HMO to supervise, coordinate, or provide initial care or continuing care to an enrollee, and who may be required by the HMO to initiate a referral for specialty care and maintain supervision of health care services rendered to the enrollee. A PCP may be a professional who practices general medicine, family medicine, general internal medicine or general pediatrics. A PCP may be a professional who practices obstetrics and/or gynecology, in accordance with the provider contracts and health benefit plans of the HMO.

(O) Specialist—A licensed health care provider whose area of specialization is in an area other than general medicine, family medicine or general internal medicine. A professional whose area of specialization is pediatrics, obstetrics and/or gynecology may be either a PCP or a specialist within the meaning of this rule.

(P) Tertiary services—

1. Level I or Level II trauma unit—a secondary hospital with a Level I or Level II trauma unit according to the most recent *Hospital Profiles*. A trauma unit that is designated as pediatric only by the Bureau of Emergency Medical Services does not satisfy the requirements of this rule.

2. Neonatal intensive care unit—any hospital offering a neonatal intensive care unit according to the most recent *Hospital Profiles*.

3. Perinatology services—a secondary hospital with active perinatologists on staff and offering perinatal items according to the most recent *Hospital Profiles*.

4. Comprehensive cancer services—any hospital with active board certified oncologists on staff, according to the most recent *Hospital Profiles*, and offering all cancer services listed in the most recent *Hospital Profiles*.

5. Cardiac catheterization—a secondary hospital with active cardiovascular disease physicians on staff and offering a cardiac catheterization lab and adult cardiac catheterizations according to the most recent *Hospital Profiles*.

6. Cardiac surgery—a secondary hospital with active cardiovascular disease physicians on staff and offering open heart surgery according to the most recent *Hospital Profiles*.

7. Pediatric subspecialty care—any hospital with active pediatricians and pediatric specialists on staff and offering staffed pediatric beds according to the most recent *Hospital Profiles*.

(2) Requirements for Filing Access Plans.

(A) Annual Filing—By March 1 of each year, an HMO must file an access plan for each managed care plan it was offering in this state on January 1 of that same year. An HMO may file separate access plans for each managed care plan it offers, or it may file a consolidated access plan incorporating information for multiple managed care plans that it offers, so long as the information submitted with the consolidated access plan clearly identifies the managed care plan or plans to which it applies. The access plan must contain the following information for each managed care plan to which it applies:

1. Pursuant to section 354.603.2(1), RSMo, either:

A. Information regarding the participating providers in each managed care plan's network and the enrollees covered by each managed care plan in a format to be determined by the Department of Insurance including, but not limited to, the following:

(I) The name, address where medical care is provided, zip code, professional license number or other unique identifier as assigned by the appropriate licensing or oversight agency, and specialty, degree or type of each provider;

(II) Whether or not the provider is a closed practice provider, as defined in subsection (1)(C) of this regulation, above; and

(III) The number of enrollees by either work or residence zip code in each managed care plan to which the access plan applies; or

B. An affidavit in the form contained in Exhibit B, which is included herein, certifying that the managed care plan to which the affidavit applies has met one (1) or more of the following standards:

(I) The managed care plan is a Medicare+Choice coordinated care plan operated by the HMO pursuant to a contract with the federal Centers for Medicare and Medicaid Services;

(II) The managed care plan is accredited by the National Committee for Quality Assurance (NCQA) at a level of "accredited" or better, and such accreditation is in effect at the time the access plan is filed;

(III) The managed care plan's network is accredited by the Joint Commission on the Accreditation of Healthcare Organizations (JCAHO) at a level of "accreditation without type I recommendations" or better, and such accreditation is in effect at the time the access plan is filed;

(IV) The managed care plan is accredited by the American Accreditation Healthcare Commission (URAC) at a level of full URAC Health Plan accreditation, and such accreditation is in effect at the time the access plan is filed; or

(V) The managed care plan or its network is accredited by any other nationally recognized managed care accrediting organization, similar to those above, that is approved by the Department of Insurance prior to the filing of the access plan, and such accreditation is in effect at the time the access plan is filed. Requests for approval of another nationally recognized managed care accrediting organization must be submitted to the department no later than October 15 of the year prior to the year the access plan is filed.

2. Pursuant to section 354.603.2(2) through (8), RSMo, a written description with any relevant supporting documentation addressing each of the requirements set forth in the statute.

3. Pursuant to section 354.603.2(9), RSMo, the following information:

A. For all managed care plans, information demonstrating that:

(I) Emergency medical services—A written triage, treatment and transfer protocol for all ambulance services and hospitals is in place;

(II) Home health providers—Home health providers are contracted to serve enrollees in each county where enrollment is reported. A home health provider need not be physically located or headquartered in each county. However, there must be at least one (1) home health provider under contract to serve enrollees in each county if the need arose; and



(III) Administrative measures are in place which ensure enrollees timely access to appointments with the medical providers listed in Exhibit A, based on the following guidelines:

(a) Routine care, without symptoms—within thirty (30) days from the time the enrollee contacts the provider;

(b) Routine care, with symptoms—within one (1) week or five (5) business days from the time the enrollee contacts the provider;

(c) Urgent care for illnesses/injuries which require care immediately, but which do not constitute emergencies as defined by section 354.600, RSMo—within twenty-four (24) hours from the time the enrollee contacts the provider;

(d) Emergency care—a provider or emergency care facility shall be available twenty-four (24) hours per day, seven (7) days per week for enrollees who require emergency care as defined by section 354.600, RSMo;

(e) Obstetrical care—within one (1) week for enrollees in the first or second trimester of pregnancy; within three (3) days for enrollees in the third trimester. Emergency obstetrical care is subject to the same standards as emergency care, except that an obstetrician must be available twenty-four (24) hours per day, seven (7) days per week for enrollees who require emergency obstetrical care; and

(f) Mental health care—Telephone access to a licensed therapist shall be available twenty-four (24) hours per day, seven (7) days per week.

B. For all managed care plans, a section demonstrating that the entire network is available to all enrollees of a managed care plan, including reference to contracts or evidences of coverage that clearly state the entire network is available and describing any network management practices that affect enrollees' access to all participating providers;

C. For employer specific networks, a section demonstrating that the group contract holder agreed in writing to the different or reduced network. An employer specific network is subject to the standards in this rule;

D. For all managed care plans, a listing of the product names used to market those plans; and

E. Any other information the director may require.

(B) Updates to Annual Filing—An HMO must file an updated access plan for a managed care plan if, at any time between the time annual access plan filings are due, one (1) of the following occurs:

1. If an affidavit was submitted for a managed care plan pursuant to the provisions of (2)(A)1.B., above, and the accreditation specified in the affidavit is no longer in effect, the HMO must file within thirty (30) days of the date such accreditation is no longer in effect either:

A. Network and enrollee information for the managed care plan as required by the provisions of (2)(A)1.A., above; or

B. If the accreditation has been replaced by alternative acceptable accreditation, an affidavit as required by the provisions of (2)(A)1.B., above.

2. If network and enrollee information was submitted for a managed care plan pursuant to the provisions of (2)(A)1.A., above, and changes in the network or number of enrollees may cause the managed care plan not to meet any of the distance standards set forth in Exhibit A, the HMO must file within thirty (30) days of such changes updated network and enrollee information as required by the provisions of (2)(A)1.A., above.

(C) Prior to Offering a New Managed Care Plan—If at any time between the time annual access plan filings are due an HMO proposes to begin offering a new managed care plan in this state, the HMO must file an access plan for the new managed care plan prior to offering the new managed care plan, including a managed care plan with an employer specific network.

(D) Waiver for the filing of the annual access plan—

1. An HMO may request a waiver of the filing of the annual access plan for a managed care plan if it certifies to the department that:

A. The HMO has notified enrollees of the managed care plan and producers with whom the HMO does business that the managed care plan is no longer being marketed, and the HMO has ceased writing any new contracts for the managed care plan; and

B. The HMO has informed enrollees of the managed care plan that they may access any provider at no greater cost than if that provider was a participating provider in the event the managed care plan cannot provide access to providers as required under this rule.

2. A request to waive the filing of the annual access plan for a managed care plan must be received by the department no later than January 15 of the year in which an access plan would otherwise be required.

### (3) Evaluation of Access Plans.

(A) For the information submitted pursuant to section 354.603.2(1), RSMo, the information will be evaluated as follows:

1. If information regarding a managed care plan's network and enrollees is submitted, the department will calculate the enrollee access rate for each type of provider in each county in the HMO's approved service area to determine if the average enrollee access rate for each county and the average enrollee access rate for all counties is greater than or equal to ninety percent (90%). In calculating the enrollee access rate for a managed care plan, the department will give consideration to the following:

A. Tertiary services may be contracted at one (1) hospital, or among multiple hospitals; and

B. With the department's approval, a managed care plan's network may receive an exception for one (1) or more of the distance standards set forth in Exhibit A under the following circumstances:

(I) Quality of care exception—An exception may be granted if the managed care plan's access plan is designed to significantly enhance the quality of care to enrollees, demonstrates that it does in fact enhance the quality of care, and imposes no greater cost on enrollees than would be incurred if they had access to contracted, participating providers as otherwise required under this rule;

(II) Noncompetitive market exception for PCPs and pharmacies—In the event an HMO can demonstrate to the department that there is not a competitive market among PCPs and/or pharmacies who meet the HMO's credentialing standards, and who are qualified within the scope of their professional license to provide appropriate care and services to enrollees, the department may grant an exception for the managed care plan's network that doubles the distance standard indicated in Exhibit A for PCPs or pharmacies;

(III) Noncompetitive market exception for other provider types—If no provider (exclusive of PCPs and pharmacies) of the appropriate type provides services to enrollees of a managed care plan in a county within the distance standards indicated in Exhibit A, an exception may be granted if the HMO can demonstrate that no fewer than ninety percent (90%) of the population of that county (or, at the HMO's discretion, ninety percent (90%) of the enrollees residing or working in the county) have access to a participating provider of the appropriate type, which provider is located no more than twenty-five (25) miles further than the provider closest to that county;

(IV) Staff or Independent Practice Association (IPA) Model exception—An exception may be granted for those health care services provided to enrollees of the managed care plan if substantially all of those services are provided by the HMO to its enrollees through qualified full-time employees of the HMO or qualified full-time employees of a medical group that does not provide substantial health care services other than on behalf of such HMO. In order to qualify for the exception provided for in this section, an HMO must demonstrate that all or substantially all of the type of health care services in question are provided by full-time employees, that enrollees have adequate access to such health care services as described in the provisions of (2)(A)3.A., above, and that the contract holder was made aware of the circumstances under which such services were to be provided prior to the decision to contract with the HMO for that managed care plan; or



(V) Use of physician extenders—If there is insufficient availability of physicians of the appropriate type providing services to enrollees of a managed care plan in a county within the distance standards indicated in Exhibit A, an exception may be granted for the use of physician extenders. The HMO must demonstrate that enrollees residing or working in the county may access a participating provider who may be either a physician or an advanced practice nurse rendering care under a collaborative agreement pursuant to 4 CSR 200-4.200, and in accordance with the provider contracts and health benefit plans of the HMO. An exception may be granted for other types of physician extenders in addition to advance practice nurses if information is submitted justifying, to the satisfaction of the department, that the other types of physician extenders are able to provide the appropriate services within the scope of their license, and in accordance with the provider contracts and health benefit plans of the HMO.

2. If an affidavit is submitted, the department will review it to make sure that it meets all the requirements of Exhibit B. If the access plan is a consolidated access plan including information for more than one (1) managed care plan, the department will also review the affidavit for the following:

A. An affidavit that relies upon a managed care plan being a Medicare+Choice plan will only apply to the specific managed care plan that is a Medicare+Choice plan. All other managed care plans included in the access plan must be accompanied by either network information pursuant to the provisions of (2)(A)1.A., above, or an affidavit indicating they are otherwise accredited pursuant to the provisions of (2)(B)1.B., above;

B. An affidavit that relies upon a managed care plan being accredited by the NCQA will only apply to the specific managed care plan included with the accreditation. All other managed care plans included in the access plan must be accompanied by either network information pursuant to the provisions of (2)(A)1.A., above, or an affidavit indicating they are otherwise accredited pursuant to the provisions of (2)(B)1.B., above;

C. An affidavit that relies upon a managed care plan's network being accredited by the JCAHO will only apply to that portion of the managed care plan's network that is included within the accreditation. For the remainder of the network, either network information pursuant to the provisions of (2)(A)1.A., above, or an affidavit indicating the remaining network is otherwise accredited pursuant to the provisions of (2)(B)1.B., above, must be submitted. All other managed care plans included in the access plan must be accompanied by either network information pursuant to the provisions of (2)(A)1.A., above, or an affidavit indicating they are otherwise accredited pursuant to the provisions of (2)(B)1.B., above;

D. An affidavit that relies upon a managed care plan being accredited by URAC will only apply to the specific managed care plan included with the accreditation. All other managed care plans included in the access plan must be accompanied by either network information pursuant to the provisions of (2)(A)1.A., above, or an affidavit indicating they are otherwise accredited pursuant to the provisions of (2)(B)1.B., above;

E. An affidavit that relies upon a managed care plan being accredited by any other nationally recognized managed care accrediting organization, similar to those above, will only apply to the specific managed care plan included with the accreditation. All other managed care plans included in the access plan must be accompanied by either network information pursuant to the provisions of (2)(A)1.A., above, or an affidavit indicating they are otherwise accredited pursuant to the provisions of (2)(B)1.B., above.

#### (4) Approval or Disapproval of Access Plans.

(A) For a managed care plan for which network and enrollee information is submitted pursuant to the provisions of (2)(A)1.A. above, the department will:

1. Approve the access plan or portion of a consolidated access plan that applies to that managed care plan when the enrollee access

rate across the entire network (all counties, all provider types) for that managed care plan is ninety percent (90%) or better, and the average enrollee access rate in each county in an HMO's approved service area for that managed care plan is ninety percent (90%) or better, and the information submitted pursuant to the provisions of (2)(A)2. and 3., above, is satisfactory;

2. Conditionally approve the access plan or portion of a consolidated access plan that applies to that managed care plan when the enrollee access rate across the entire network (all counties, all provider types) for that managed care plan is ninety percent (90%) or better, but the average enrollee access rate in any county for that managed care plan is less than ninety percent (90%), and the information submitted pursuant to the provisions of (2)(A)2. and 3., above, is satisfactory. If an access plan or portion of an access plan is conditionally approved, the department will require the HMO to present an action plan for increasing the enrollee access rate for that managed care plan's network to ninety percent (90%) or better in those counties where this standard is not met; or

3. Disapprove the access plan or portion of a consolidated access plan that applies to that managed care plan when the enrollee access rate across the entire network (all counties, all provider types) for that managed care plan is less than ninety percent (90%) and/or the information submitted pursuant to the provisions of (2)(A)2. and 3., above, is unsatisfactory. Disapproval of the access plan or portion of the access plan will subject the HMO and its managed care plan to the enforcement mechanisms described in section (5), below, of this regulation.

**Exhibit B**

**AFFIDAVIT PURSUANT TO 20 CSR 400-7.095(2)(A)1.B.**

State of \_\_\_\_\_ )  
County of \_\_\_\_\_ )

ss.

\_\_\_\_\_, first being duly sworn, on his/her oath states:

(Insert Name)

He/she is the \_\_\_\_\_ of \_\_\_\_\_,  
(Insert Title of Individual) (Insert Name of HMO)

a(n) \_\_\_\_\_ corporation, and as such officer is duly authorized to make this affidavit  
(Insert State of Incorporation)  
on behalf of said corporation;

The managed care plan to which this affidavit applies is known by the product name(s):

\_\_\_\_\_  
\_\_\_\_\_  
(Insert Product Name(s) used by the HMO for this Managed Care Plan; if none, so state)

The form number(s) of the health benefit plan for this managed care plan are:

\_\_\_\_\_  
\_\_\_\_\_  
(Insert Form Numbers as Filed for Approval with the Department of Insurance)

This managed care plan meets the following criteria:

(insert an "X" in one or more of the following, as applicable.)

\_\_\_\_\_ The managed care plan is a Medicare+Choice coordinated care plan offered pursuant to a contract with the federal Centers for Medicare and Medicaid Services, and the contract is currently in effect;

\_\_\_\_\_ The managed care plan is accredited by the National Committee for Quality Assurance (NCQA) at a level of "accredited" or better, and the accreditation is currently in effect;

\_\_\_\_\_ All/some (circle one) of the managed care plan's network is accredited by the Joint Commission on the Accreditation of Health Organizations (JCAHO) at a level of "accreditation without type I recommendations" or better, and the accreditation is currently in effect. (If "some" is circled, additional information for that portion of the Network not covered by the JCAHO accreditation must be submitted pursuant to 20 CSR 400-7.095(2)(A)1.A. or B.)

\_\_\_\_\_ The managed care plan is accredited by the American Accreditation Healthcare Commission (URAC) for full URAC Health Plan accreditation, and the accreditation is currently in effect;

\_\_\_\_\_ The managed care plan or its network is accredited by \_\_\_\_\_, this accreditation was approved by the department prior to the date of this affidavit, and this accreditation is currently in effect.

\_\_\_\_\_  
(Signature of Affiant Corporate Officer)

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

My commission expires \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public

**T**his section may contain notice of hearings, correction notices, public information notices, rule action notices, statements of actual costs and other items required to be published in the *Missouri Register* by law.



**MISSOURI GENERAL ASSEMBLY**  
**JOINT COMMITTEE ON ADMINISTRATIVE RULES**  
State Capitol, Jefferson City, Missouri 65101

February, 28, 2003

The Honorable Matt Blunt,  
Office of the Secretary of State  
State of Missouri  
State Information Center  
Jefferson City, MO 65101

RE: Recommendations of the Joint Committee on Administrative Rules

Department of Social Services  
13 CSR 70-60.010 Durable Medical Equipment Program (Emergency Rule)  
13 CSR 70-3.065 Medical Program Payment of Claims for Medicare Part B Service (emergency Rule)

Dear Secretary Blunt,

This letter is to advise you that on February 27, after posting a notice as required by statute, the Joint Committee on Administrative Rules met to consider challenges to the two above referenced emergency rules. Evidence was taken in the form of testimony from seven individuals who were opposed to the emergency rules and two representatives of the Department of Social Services in support of the rules. A transcript of this testimony is available at the offices of the Joint Committee on Administrative Rules.

Upon motion of Senator Steelman, seconded by Senator Gross, the Joint Committee on Administrative Rules approved the following findings and recommendations to be made to you and to be recorded in the Missouri Register

It is the finding and recommendation of the Joint Committee on Administrative Rules that the Department of Social Services in enacting emergency rules 13 CSR 70-3.065 and 13 CSR 70-60.010 did so in violation of section 536.025.1 (1) RSMo in that there was no immediate danger to the public health, safety or welfare that requires emergency action or the rule is necessary to preserve a compelling governmental interest that requires an early effective date because any such emergency was created by the Department's failure to timely begin a normal rulemaking procedure.

It is also the finding and recommendation of the Joint Committee on Administrative Rules that the Department of Social Services in enacting emergency rules 13 CSR 70-3.065 and 13 70-60.010 did so in violation of section 536.025.1 (2) RSMo in that the Department failed to follow procedures best calculated to assure fairness to all interested persons and parties under the circumstances. It is therefore the recommendation of the Joint Committee on Administrative Rules that the Secretary of State rescind the publication of the two aforementioned emergency rules.

Respectfully submitted,

A handwritten signature in cursive script that reads "Richard Byrd". To the right of the signature, there are two small, handwritten initials "DSI".

Representative Richard G. Byrd  
Chairman Joint Committee on Administrative Rules





OFFICE OF THE SECRETARY OF STATE  
STATE OF MISSOURI  
JEFFERSON CITY  
65101

MATT BLUNT  
SECRETARY OF STATE

STATE INFORMATION CENTER  
(573) 751-4936

February 28, 2003

Mr. Gregory A. Vadner, Director  
Department of Social Services  
Division of Medical Services  
P.O. Box 6500  
Jefferson City, MO 65101

**Re: 13 CSR 70-60.010 – Durable Medical Equipment Program (emergency rule)  
13 CSR 70-3.065 Medicaid Program Payment of Claims for Medicare Part B  
Services (emergency rule)**

Dear Director Vadner:

This letter will serve as my official notice that as Secretary of State, it is my determination that the above-referenced rules do not comply with the requirements for their publication and adoption established in Section 536.025, Revised Statutes of Missouri (RSMo) 2000. I hereby offer you the chance to withdraw the emergency rulemakings.

Based on the letter of recommendation received by this office on February 27, 2003, from the Joint Committee on Administrative Rules, and pursuant to the emergency rule powers, procedures and definitions outlined in Section 536.025, RSMo 2000, I base this determination on the following facts: Information developed by the testimony taken at the hearing conducted by the Joint Committee on Administrative Rules on February 27, 2003, revealed these emergency rulemakings did not follow the letter of the statute in assuring that these rulemakings follow procedures best calculated to assure fairness to all interested persons and parties under the circumstances. The testimony revealed that you did not notify all interested parties so that they could provide feedback and participate in the rulemaking process before you filed the emergency rules. The testimony further demonstrates that you did not limit the scope of your rules to the circumstances creating an emergency and requiring emergency action, in that you had advance notice of the budgetary problems facing your agency in time to utilize the normal rulemaking process but instead you delayed action, which does not constitute a valid emergency under Section 536.025. My determination is based on this newly discovered information, which was only made available by your agency after questioning by the Joint Committee on Administrative Rules and upon testimony, and, by reason of the fact that your agency failed to provide to my office, as required by Section 536.025, the true facts that are now

JAMES C. KIRKPATRICK STATE INFORMATION CENTER  
600 W. MAIN STREET • JEFFERSON CITY 65101

made a part of the record at the aforementioned hearing conducted by the Joint Committee on Administrative Rules.

Because this information was not contained in either the original emergency statements, or the purpose statements, of your emergency rulemakings filed on February 7, 2003, and because the rules are not yet effective until March 1, 2003, I do hereby declare the publication of the emergency rules, as they appeared in the February 18, 2003 edition of the Missouri Register, rescinded and therefore rendering the publication thereof null and void and offer you the chance to take the necessary steps to immediately file paperwork to withdraw these emergency rulemakings.

The rules filed as proposed rulemakings will, of course, continue through the normal rulemaking process, unless your agency also elects to withdraw the proposed rulemakings.

Pursuant to Section 536.025.4, the recommendations of the Joint Committee on Administrative Rules will be published in the March 17, 2003 edition of the Missouri Register, and will be posted to the Internet site of the Office of the Secretary of State immediately.

A copy of this letter will also be published adjacent to the letter of the Joint Committee on Administrative Rules, and will also be posted immediately on the Internet site of the Office of the Secretary of State.

Based on the foregoing, I respectfully request and expect your immediate attention to this matter.

Sincerely,

A handwritten signature in black ink that reads "Matt Blunt". The signature is written in a cursive, slightly stylized font. The "M" is large and loops around the "att". The "Blunt" is written in a more straightforward cursive style.

Matt Blunt

cc: Joint Committee on Administrative Rules  
Ms. Billie Waite, Legal Counsel, Department of Social Services  
Division of Medical Services

**T**he Secretary of State is required by sections 347.141 and 359.481, RSMo 2000 to publish dissolutions of limited liability companies and limited partnerships. The content requirements for the one-time publishing of these notices are prescribed by statute. This listing is published pursuant to these statutes. We request that documents submitted for publication in this section be submitted in camera ready 8 1/2" x 11" manuscript.

NOTICE OF DISSOLUTION TO ALL CREDITORS OF  
AND CLAIMANTS AGAINST  
BMA FINANCIAL SERVICES, INC.

Effective August 8, 2002, BMA Financial Services, Inc., a Missouri corporation (the "Corporation"), the principal office of which is located at 700 Karnes Boulevard, Kansas City, Missouri 64108, was voluntarily dissolved.

Any claims against the Corporation should be presented in accordance with this notice. Claims should be in writing and sent to the Corporation at this mailing address: P.O. Box 419458, Kansas City, MO 64141; Attention: Claimant's Notice

The claim must contain: (1) the name, address and telephone number of the claimant; (2) the amount of the claim or other relief demanded; (3) the basis of the claim and any documents related to the claim; and (4) the date(s) as of which the event(s) on which the claim is based occurred. Any and all claims against the Corporation will be barred unless a proceeding to enforce the claim is commenced within two years after the publication of this Notice of Dissolution.

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NOTICE OF DISSOLUTION TO ALL CREDITORS OF PHARMACY CARE  
SOLUTIONS, LLC

On January 31, 2003, Pharmacy Care Solutions, LLC, a Missouri limited liability company agreed to dissolve and wind up the Company. The Company requests that all persons and organizations that have claims against it present those immediately by letter to Jeff Sparks, P.O. Box 33, Bolivar, MO 65613. All claims must include the name, address and telephone number of the claimant, the amount claimed, the basis for the claim, the date(s) on which the claim is based occurred, whether the claim was secured, and, if so, the collateral used as security and copies of all documents reflecting the security interest.

NOTE: BECAUSE OF THE DISSOLUTION AND WINDING UP OF PHARMACY CARE SOLUTIONS, ANY CLAIMS AGAINST IT WILL BE BARRED UNLESS A PROCEEDING TO ENFORCE THE CLAIMS IS COMMENCED WITHIN THREE YEARS AFTER THE PUBLICATION OF THIS NOTICE OF DISSOLUTION.

**OFFICE OF ADMINISTRATION  
Division of Purchasing**

**BID OPENINGS**

Sealed Bids will be received by the Division of Purchasing, Room 630, Truman Building, PO Box 809, Jefferson City, MO 65102, telephone (573) 751-2387 at 2:00 p.m. on dates specified below for various agencies throughout Missouri. Bids are available to download via our homepage: [www.moolb.state.mo.us](http://www.moolb.state.mo.us).

B1E03210 Crawler Dozer 3/17/03  
B1E03215 Crawler Dozer 3/17/03  
B2E03041 Integrated Environmental Monitoring System 3/18/03  
B3E03164 Trash Collection Services-Potosi 3/19/03  
B2Z03035 Food Services Mgmt. System (FSMS) 3/20/03  
B3E03148 Trash Services 3/20/03  
B3E03163 Cafeteria Vending Services 3/20/03  
B3Z03174 Court Reporting Services 3/20/03  
B1E03184 Dry Cleaning Equipment 3/21/03  
B1E03200 Reagents & Tests 3/21/03  
B3E03131 Janitorial Services-505 Washington Ave. 3/21/03  
B3E03170 Radiology Test & Interpretation Services 3/21/03  
B3Z03183 Emergency Operations Plan-State 3/21/03  
B2Z03012 Food Management Software 3/24/03  
B3E03193 Temporary Clerical Services 3/25/03  
B1E03186 Dairy Products: Various Locations 3/26/03  
B2E03042 Telephone System Maintenance 3/26/03  
B2Z03033 Digital Video Recorder (Facility Cameras) 3/26/03  
B3E03178 Temporary Laborer Services 3/26/03  
B3E03180 Therapy Services for the Hearing Impaired 3/26/03  
B1E03223 Bakery Products 3/27/03  
B1E03224 Dairy Products 3/27/03  
B3E03150 Elevator Maintenance 3/28/03  
B1E03220 Tractors 3/31/03  
B1E03229 Motor Oil 3/31/03  
B2Z03040 First Steps Services 4/4/03  
B3Z03161 Social Marketing Media Campaign Services 4/10/03  
B3Z03123 Advertising Agency of Record-Tourism 4/15/03  
B1Z03214 Airplane: Beechcraft King Air C90B 5/13/03

It is the intent of the State of Missouri, Division of Purchasing to purchase each of the following as a single feasible source without competitive bids. If suppliers exist other than the ones identified, please call (573) 751-2387 immediately.

Romer Labs Test Kits, supplied by Romer Labs, Inc.

- 1.) Care Management Organization, supplied by Missouri Alliance for Children and Families.
- 2.) Administration of T.E.A.C.H. Early Childhood Missouri Scholarship Project, supplied by Missouri Child Care Resource and Referral Network.
- 3.) TRNS\*PORT Software Maintenance Support Services, supplied by AASHTO.

- 1.) Paddlefish Tagging Equipment, supplied by Northwest Marine Technology.
- 2.) MGIT Reagents, supplied by B D Diagnostic Systems of Sparks, MD.

James Miluski, CPPO,  
Director of Purchasing



# Rule Changes Since Update to Code of State Regulations

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*, citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year—26 (2001), 27 (2002) and 28 (2003). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable, RUC indicates a rule under consideration, and F indicates future effective date.

Rule Number	Agency	Emergency	Proposed	Order	In Addition
<b>OFFICE OF ADMINISTRATION</b>					
1 CSR 10	State Officials' Salary Compensation Schedule				27 MoReg 189 27 MoReg 1724
1 CSR 15-3.200	Administrative Hearing Commission	27 MoReg 2259	27 MoReg 2266		
1 CSR 20-1.040	Personnel Advisory Board and Division of Personnel		27 MoReg 1861	28 MoReg 339	
1 CSR 20-2.015	Personnel Advisory Board and Division of Personnel	28 MoReg 103	28 MoReg 128 28 MoReg 225	28 MoReg 236W	
1 CSR 20-4.020	Personnel Advisory Board and Division of Personnel		27 MoReg 1861	28 MoReg 339	
1 CSR 20-5.010	Personnel Advisory Board and Division of Personnel		27 MoReg 1865	28 MoReg 339	
1 CSR 20-5.020	Personnel Advisory Board and Division of Personnel	27 MoReg 847	27 MoReg 1865	28 MoReg 339	
1 CSR 40-1.090	Purchasing and Materials Management		28 MoReg 8		
<b>DEPARTMENT OF AGRICULTURE</b>					
2 CSR 30-2.010	Animal Health		28 MoReg 399		
2 CSR 30-2.020	Animal Health		28 MoReg 399		
2 CSR 30-2.040	Animal Health		28 MoReg 400		
2 CSR 30-6.020	Animal Health		28 MoReg 400		
2 CSR 70-16.010	Plant Industries		28 MoReg 308		
2 CSR 70-16.015	Plant Industries		28 MoReg 308		
2 CSR 70-16.020	Plant Industries		28 MoReg 309		
2 CSR 70-16.025	Plant Industries		28 MoReg 309		
2 CSR 70-16.030	Plant Industries		28 MoReg 312		
2 CSR 70-16.035	Plant Industries		28 MoReg 314		
2 CSR 70-16.040	Plant Industries		28 MoReg 314		
2 CSR 70-16.045	Plant Industries		28 MoReg 314		
2 CSR 70-16.050	Plant Industries		28 MoReg 315		
2 CSR 70-16.055	Plant Industries		28 MoReg 315		
2 CSR 70-16.060	Plant Industries		28 MoReg 316		
2 CSR 70-16.065	Plant Industries		28 MoReg 318		
2 CSR 70-16.070	Plant Industries		28 MoReg 318		
2 CSR 70-16.075	Plant Industries		28 MoReg 318		
2 CSR 70-40.015	Plant Industries		27 MoReg 1561R	28 MoReg 340R	
			27 MoReg 1561	28 MoReg 340	
2 CSR 70-40.025	Plant Industries		27 MoReg 1562R	28 MoReg 341R	
			27 MoReg 1563	28 MoReg 342	
2 CSR 70-40.040	Plant Industries		27 MoReg 1563R	28 MoReg 343R	
			27 MoReg 1563	28 MoReg 343	
2 CSR 70-40.045	Plant Industries		27 MoReg 1564	28 MoReg 343W	
2 CSR 90-10.040	Weights and Measures		27 MoReg 1161		
2 CSR 90-22.140	Weights and Measures		27 MoReg 1868	28 MoReg 236	
2 CSR 90-23.010	Weights and Measures		27 MoReg 1868	28 MoReg 236	
2 CSR 90-25.010	Weights and Measures		27 MoReg 1869	28 MoReg 236	
2 CSR 90-30.050	Weights and Measures		27 MoReg 1565		
2 CSR 90-36.010	Weights and Measures		27 MoReg 2053R		
			27 MoReg 2053		
2 CSR 90-36.020	Weights and Measures		27 MoReg 2058R		
<b>DEPARTMENT OF CONSERVATION</b>					
3 CSR 10-1.010	Conservation Commission		28 MoReg 8	This Issue	
3 CSR 10-7.420	Conservation Commission		28 MoReg 344		
3 CSR 10-7.455	Conservation Commission		28 MoReg 400		
3 CSR 10-9.110	Conservation Commission		28 MoReg 400		
3 CSR 10-9.230	Conservation Commission		28 MoReg 225		
3 CSR 10-9.353	Conservation Commission	27 MoReg 1441 27 MoReg 1441T	27 MoReg 1445	28 MoReg 236	

Rule Number	Agency	Emergency	Proposed	Order	In Addition
3 CSR 10-9.565	Conservation Commission	27 MoReg 1441 27 MoReg 1441T	27 MoReg 1448 28 MoReg 401	28 MoReg 241	
3 CSR 10-11.186	Conservation Commission		28 MoReg 402		
3 CSR 10-11.205	Conservation Commission		28 MoReg 402		
3 CSR 10-11.210	Conservation Commission		28 MoReg 403		
<b>DEPARTMENT OF ECONOMIC DEVELOPMENT</b>					
4 CSR 10-2.022	Missouri State Board of Accountancy		27 MoReg 2266		
4 CSR 30-3.010	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		27 MoReg 2127	This Issue	
4 CSR 30-3.050	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		27 MoReg 2127	This Issue	
4 CSR 30-4.010	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		27 MoReg 2128	This Issue	
4 CSR 30-4.020	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		27 MoReg 2128R	This IssueR	
4 CSR 30 4.060	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		28 MoReg 128		
4 CSR 30-4.090	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		27 MoReg 2129	This Issue	
4 CSR 30-5.140	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		27 MoReg 2132	This Issue	
4 CSR 30-5.150	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		27 MoReg 2135	This Issue	
4 CSR 30-9.010	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		27 MoReg 2135R	This IssueR	
4 CSR 30-10.010	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		27 MoReg 2135	This Issue	
4 CSR 30-11.010	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		27 MoReg 2139	This Issue	
4 CSR 30-11.030	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		28 MoReg 131		
4 CSR 30-12.010	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		27 MoReg 2144	This Issue	
4 CSR 30-13.010	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		27 MoReg 2145		
4 CSR 30-15.010	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		27 MoReg 2145R	This IssueR	
4 CSR 90-13.010	State Board of Cosmetology		28 MoReg 135		
4 CSR 90-13.050	State Board of Cosmetology		28 MoReg 137		
4 CSR 100	Division of Credit Unions				28 MoReg 55 28 MoReg 190 28 MoReg 103 28 MoReg 361
4 CSR 140-2.055	Division of Finance		28 MoReg 319		
4 CSR 140-2.140	Division of Finance		28 MoReg 320		
4 CSR 140-11.010	Division of Finance		28 MoReg 320R		
4 CSR 140-11.020	Division of Finance		28 MoReg 320R		
4 CSR 140-11.030	Division of Finance		28 MoReg 321		
4 CSR 140-11.040	Division of Finance		28 MoReg 322		
4 CSR 150-2.150	State Board of Registration for the Healing Arts		27 MoReg 2267		
4 CSR 150-3.200	State Board of Registration for the Healing Arts		27 MoReg 2267		
4 CSR 150-5.100	State Board of Registration for the Healing Art		27 MoReg 2146		
4 CSR 150-8.140	State Board of Registration for the Healing Arts		28 MoReg 139		
4 CSR 196-1.010	Landscape Architectural Council		27 MoReg 2146R		
4 CSR 196-1.020	Landscape Architectural Council		27 MoReg 2147R	This IssueR	
4 CSR 196-2.020	Landscape Architectural Council		27 MoReg 2147R	This IssueR	
4 CSR 196-2.030	Landscape Architectural Council		27 MoReg 2147R	This IssueR	
4 CSR 196-2.040	Landscape Architectural Council		27 MoReg 2148R	This IssueR	
4 CSR 196-3.010	Landscape Architectural Council		27 MoReg 2148R	This IssueR	
4 CSR 196-4.010	Landscape Architectural Council		27 MoReg 2148R	This IssueR	
4 CSR 196-5.010	Landscape Architectural Council		27 MoReg 2148R	This IssueR	
4 CSR 196-6.010	Landscape Architectural Council		27 MoReg 2149R	This IssueR	
4 CSR 196-7.010	Landscape Architectural Council		27 MoReg 2149R	This IssueR	
4 CSR 196-9.010	Landscape Architectural Council		27 MoReg 2149R	This IssueR	
4 CSR 196-10.010	Landscape Architectural Council		27 MoReg 2150R	This IssueR	
4 CSR 196-11.010	Landscape Architectural Council		27 MoReg 2150R	This IssueR	
4 CSR 196-12.010	Landscape Architectural Council		27 MoReg 2150R	This IssueR	
4 CSR 200-4.010	State Board of Nursing		This Issue		
4 CSR 200-4.200	State Board of Nursing		27 MoReg 2150		
4 CSR 205-3.030	Missouri Board of Occupational Therapy		27 MoReg 2151	This Issue	
4 CSR 205-3.040	Missouri Board of Occupational Therapy		27 MoReg 2152	This Issue	
4 CSR 205-3.050	Missouri Board of Occupational Therapy		27 MoReg 2152	This Issue	

Rule Number	Agency	Emergency	Proposed	Order	In Addition
4 CSR 205-3.060	Missouri Board of Occupational Therapy		27 MoReg 2152	This Issue	
4 CSR 205-4.010	Missouri Board of Occupational Therapy		27 MoReg 2153	This Issue	
4 CSR 205-5.010	Missouri Board of Occupational Therapy		27 MoReg 2153	This Issue	
4 CSR 220-2.010	State Board of Pharmacy		This Issue		
4 CSR 220-2.020	State Board of Pharmacy		28 MoReg 9		
4 CSR 220-2.030	State Board of Pharmacy		27 MoReg 2268		
4 CSR 220-2.130	State Board of Pharmacy		28 MoReg 403		
4 CSR 220-2.190	State Board of Pharmacy		27 MoReg 2268		
4 CSR 220-2.200	State Board of Pharmacy		28 MoReg 10R		
			28 MoReg 10		
4 CSR 220-2.400	State Board of Pharmacy		28 MoReg 20		
4 CSR 220-2.650	State Board of Pharmacy		28 MoReg 21		
4 CSR 220-2.700	State Board of Pharmacy		27 MoReg 2268		
4 CSR 220-2.900	State Board of Pharmacy		This Issue		
4 CSR 230-2.070	State Board of Podiatric Medicine		28 MoReg 139		
4 CSR 232-3.010	Missouri State Committee of Interpreters		27 MoReg 2269		
4 CSR 235-1.020	State Committee of Psychologists		This Issue		
4 CSR 240-2.060	Public Service Commission		27 MoReg 1576	28 MoReg 441	
4 CSR 240-2.200	Public Service Commission		27 MoReg 1578R	28 MoReg 442R	
4 CSR 240-3.010	Public Service Commission		27 MoReg 1578	28 MoReg 442	
4 CSR 240-3.015	Public Service Commission		27 MoReg 1580	28 MoReg 442	
4 CSR 240-3.020	Public Service Commission		27 MoReg 1580	28 MoReg 442	
4 CSR 240-3.025	Public Service Commission		27 MoReg 1580	28 MoReg 443	
4 CSR 240-3.030	Public Service Commission		27 MoReg 1581	28 MoReg 443	
4 CSR 240-3.100	Public Service Commission		27 MoReg 1582	28 MoReg 443	
4 CSR 240-3.105	Public Service Commission		27 MoReg 1583	28 MoReg 444	
4 CSR 240-3.110	Public Service Commission		27 MoReg 1584	28 MoReg 445	
4 CSR 240-3.115	Public Service Commission		27 MoReg 1584	28 MoReg 445	
4 CSR 240-3.120	Public Service Commission		27 MoReg 1585	28 MoReg 445	
4 CSR 240-3.125	Public Service Commission		27 MoReg 1585	28 MoReg 445	
4 CSR 240-3.130	Public Service Commission		27 MoReg 1586	28 MoReg 445	
4 CSR 240-3.135	Public Service Commission		27 MoReg 1586	28 MoReg 446	
4 CSR 240-3.140	Public Service Commission		27 MoReg 1587	28 MoReg 446	
4 CSR 240-3.145	Public Service Commission		27 MoReg 1588	28 MoReg 446	
4 CSR 240-3.150	Public Service Commission		27 MoReg 1591	28 MoReg 446	
4 CSR 240-3.155	Public Service Commission		27 MoReg 1592	28 MoReg 446	
4 CSR 240-3.160	Public Service Commission		27 MoReg 1593	28 MoReg 447	
4 CSR 240-3.165	Public Service Commission		27 MoReg 1593	28 MoReg 447	
4 CSR 240-3.175	Public Service Commission		27 MoReg 1594	28 MoReg 447	
4 CSR 240-3.180	Public Service Commission		27 MoReg 1594	28 MoReg 448	
4 CSR 240-3.185	Public Service Commission		27 MoReg 1595	28 MoReg 448	
4 CSR 240-3.190	Public Service Commission		27 MoReg 1596	28 MoReg 448	
4 CSR 240-3.200	Public Service Commission		27 MoReg 1597	28 MoReg 448	
4 CSR 240-3.205	Public Service Commission		27 MoReg 1599	28 MoReg 450	
4 CSR 240-3.210	Public Service Commission		27 MoReg 1600	28 MoReg 450	
4 CSR 240-3.215	Public Service Commission		27 MoReg 1600	28 MoReg 450	
4 CSR 240-3.220	Public Service Commission		27 MoReg 1601	28 MoReg 451	
4 CSR 240-3.225	Public Service Commission		27 MoReg 1601	28 MoReg 451	
4 CSR 240-3.230	Public Service Commission		27 MoReg 1602	28 MoReg 451	
4 CSR 240-3.235	Public Service Commission		27 MoReg 1602	28 MoReg 451	
4 CSR 240-3.240	Public Service Commission		27 MoReg 1603	28 MoReg 452	
4 CSR 240-3.245	Public Service Commission		27 MoReg 1604	28 MoReg 452	
4 CSR 240-3.250	Public Service Commission		27 MoReg 1604	28 MoReg 452	
4 CSR 240-3.255	Public Service Commission		27 MoReg 1605	28 MoReg 452	
4 CSR 240-3.260	Public Service Commission		27 MoReg 1606	28 MoReg 452	
4 CSR 240-3.270	Public Service Commission		27 MoReg 1606	28 MoReg 453	
4 CSR 240-3.275	Public Service Commission		27 MoReg 1607	28 MoReg 454	
4 CSR 240-3.280	Public Service Commission		27 MoReg 1608	28 MoReg 454	
4 CSR 240-3.285	Public Service Commission		27 MoReg 1608	28 MoReg 454	
4 CSR 240-3.290	Public Service Commission		27 MoReg 1609	28 MoReg 455	
4 CSR 240-3.295	Public Service Commission		27 MoReg 1609	28 MoReg 455	
4 CSR 240-3.300	Public Service Commission		27 MoReg 1610	28 MoReg 455	
4 CSR 240-3.305	Public Service Commission		27 MoReg 1610	28 MoReg 456	
4 CSR 240-3.310	Public Service Commission		27 MoReg 1611	28 MoReg 456	
4 CSR 240-3.315	Public Service Commission		27 MoReg 1611	28 MoReg 456	
4 CSR 240-3.320	Public Service Commission		27 MoReg 1612	28 MoReg 456	
4 CSR 240-3.325	Public Service Commission		27 MoReg 1612	28 MoReg 457	
4 CSR 240-3.330	Public Service Commission		27 MoReg 1613	28 MoReg 457	
4 CSR 240-3.335	Public Service Commission		27 MoReg 1614	28 MoReg 457	
4 CSR 240-3.340	Public Service Commission		27 MoReg 1614	28 MoReg 457	
4 CSR 240-3.400	Public Service Commission		27 MoReg 1616	28 MoReg 457	
4 CSR 240-3.405	Public Service Commission		27 MoReg 1617	28 MoReg 458	
4 CSR 240-3.410	Public Service Commission		27 MoReg 1617	28 MoReg 458	
4 CSR 240-3.415	Public Service Commission		27 MoReg 1618	28 MoReg 458	

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4 CSR 240-3.420	Public Service Commission		27 MoReg 1618	28 MoReg 458	
4 CSR 240-3.425	Public Service Commission		27 MoReg 1619	28 MoReg 458	
4 CSR 240-3.435	Public Service Commission		27 MoReg 1620	28 MoReg 459	
4 CSR 240-3.500	Public Service Commission		27 MoReg 1620	28 MoReg 459	
4 CSR 240-3.505	Public Service Commission		27 MoReg 1621	28 MoReg 459	
4 CSR 240-3.510	Public Service Commission		27 MoReg 1621	28 MoReg 459	
4 CSR 240-3.515	Public Service Commission		27 MoReg 1622	28 MoReg 460	
4 CSR 240-3.520	Public Service Commission		27 MoReg 1622	28 MoReg 460	
4 CSR 240-3.525	Public Service Commission		27 MoReg 1623	28 MoReg 460	
4 CSR 240-3.530	Public Service Commission		27 MoReg 1624	28 MoReg 460	
4 CSR 240-3.535	Public Service Commission		27 MoReg 1624	28 MoReg 461	
4 CSR 240-3.540	Public Service Commission		27 MoReg 1625	28 MoReg 461	
4 CSR 240-3.545	Public Service Commission		27 MoReg 1625	28 MoReg 461	
4 CSR 240-3.550	Public Service Commission		27 MoReg 1630	28 MoReg 462	
4 CSR 240-3.555	Public Service Commission		27 MoReg 1631	28 MoReg 462	
4 CSR 240-3.600	Public Service Commission		27 MoReg 1632	28 MoReg 462	
4 CSR 240-3.605	Public Service Commission		27 MoReg 1632	28 MoReg 462	
4 CSR 240-3.610	Public Service Commission		27 MoReg 1633	28 MoReg 462	
4 CSR 240-3.615	Public Service Commission		27 MoReg 1633	28 MoReg 463	
4 CSR 240-3.620	Public Service Commission		27 MoReg 1634	28 MoReg 463	
4 CSR 240-3.625	Public Service Commission		27 MoReg 1634	28 MoReg 463	
4 CSR 240-3.630	Public Service Commission		27 MoReg 1635	28 MoReg 463	
4 CSR 240-3.635	Public Service Commission		27 MoReg 1636	28 MoReg 464	
4 CSR 240-3.640	Public Service Commission		27 MoReg 1636	28 MoReg 464	
4 CSR 240-3.645	Public Service Commission		27 MoReg 1637	28 MoReg 464	
4 CSR 240-10.070	Public Service Commission		27 MoReg 1638R	28 MoReg 464R	
4 CSR 240-10.080	Public Service Commission		27 MoReg 1638R	28 MoReg 464R	
4 CSR 240-13.055	Public Service Commission	26 MoReg 2259	27 MoReg 1639	28 MoReg 464	
4 CSR 240-14.040	Public Service Commission		27 MoReg 1639R	28 MoReg 465R	
4 CSR 240-20.010	Public Service Commission		27 MoReg 1640R	28 MoReg 465R	
4 CSR 240-20.030	Public Service Commission		27 MoReg 1640	28 MoReg 465	
4 CSR 240-20.060	Public Service Commission		27 MoReg 1641	28 MoReg 465	
4 CSR 240-20.070	Public Service Commission		27 MoReg 1644	28 MoReg 465	
4 CSR 240-20.080	Public Service Commission		27 MoReg 1646R	28 MoReg 466R	
4 CSR 240-21.010	Public Service Commission		27 MoReg 1646R	28 MoReg 466R	
4 CSR 240-30.010	Public Service Commission		27 MoReg 1646R	28 MoReg 466R	
4 CSR 240-31.010	Public Service Commission		27 MoReg 2159		
4 CSR 240-31.050	Public Service Commission		27 MoReg 2160		
4 CSR 240-31.060	Public Service Commission		27 MoReg 2163		
4 CSR 240-31.065	Public Service Commission		27 MoReg 2166		
4 CSR 240-32.030	Public Service Commission		27 MoReg 1647R	28 MoReg 466R	
4 CSR 240-33.060	Public Service Commission		27 MoReg 1647	28 MoReg 466	
4 CSR 240-33.070	Public Service Commission		27 MoReg 2169		
4 CSR 240-40.010	Public Service Commission		27 MoReg 1648R	28 MoReg 466R	
4 CSR 240-40.040	Public Service Commission		27 MoReg 1648	28 MoReg 466	
4 CSR 240-45.010	Public Service Commission		27 MoReg 1649R	28 MoReg 467R	
4 CSR 240-50.010	Public Service Commission		27 MoReg 1650R	28 MoReg 467R	
4 CSR 240-51.010	Public Service Commission		27 MoReg 1650R	28 MoReg 467R	
4 CSR 240-60.030	Public Service Commission		27 MoReg 1650R	28 MoReg 467R	
4 CSR 240-80.010	Public Service Commission		27 MoReg 1651R	28 MoReg 467R	
4 CSR 240-80.020	Public Service Commission		27 MoReg 1651	28 MoReg 467	
4 CSR 240-120.140	Public Service Commission	28 MoReg 287	This Issue		
4 CSR 240-123.030	Public Service Commission	28 MoReg 288	This Issue		
4 CSR 263-1.010	State Committee for Social Workers		27 MoReg 2169		
4 CSR 263-1.015	State Committee for Social Workers		27 MoReg 2170		
4 CSR 263-1.025	State Committee for Social Workers		27 MoReg 2170		
4 CSR 263-1.035	State Committee for Social Workers		27 MoReg 2170		
4 CSR 263-2.020	State Committee for Social Workers		27 MoReg 2171		
4 CSR 263-2.022	State Committee for Social Workers		27 MoReg 2171		
4 CSR 263-2.030	State Committee for Social Workers		27 MoReg 2171		
4 CSR 263-2.031	State Committee for Social Workers		27 MoReg 2172		
4 CSR 263-2.032	State Committee for Social Workers		27 MoReg 2173		
4 CSR 263-2.045	State Committee for Social Workers		27 MoReg 2174		
4 CSR 263-2.047	State Committee for Social Workers		27 MoReg 2174		
4 CSR 263-2.050	State Committee for Social Workers		27 MoReg 2178		
4 CSR 263-2.052	State Committee for Social Workers		27 MoReg 2178		
4 CSR 263-2.060	State Committee for Social Workers		27 MoReg 2182		
4 CSR 263-2.062	State Committee for Social Workers		27 MoReg 2182		
4 CSR 263-2.070	State Committee for Social Workers		27 MoReg 2186		
4 CSR 263-2.072	State Committee for Social Workers		27 MoReg 2186		
4 CSR 263-2.075	State Committee for Social Workers		27 MoReg 2186		
4 CSR 265-2.070	Division of Motor Carrier and Railroad Safety	27 MoReg 2259	27 MoReg 2269		



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4 CSR 265-2.080	Division of Motor Carrier and Railroad Safety	27 MoReg 2260	27 MoReg 2270		
4 CSR 265-2.085	Division of Motor Carrier and Railroad Safety	27 MoReg 2260	27 MoReg 2270		
4 CSR 265-2.090	Division of Motor Carrier and Railroad Safety	27 MoReg 2260	27 MoReg 2270		
4 CSR 265-2.100	Division of Motor Carrier and Railroad Safety	27 MoReg 2261	27 MoReg 2271		
4 CSR 265-2.110	Division of Motor Carrier and Railroad Safety	27 MoReg 2261	27 MoReg 2271		
4 CSR 265-2.115	Division of Motor Carrier and Railroad Safety	27 MoReg 2262	27 MoReg 2271		
4 CSR 265-2.116	Division of Motor Carrier and Railroad Safety	27 MoReg 2262	27 MoReg 2272		
4 CSR 265-2.120	Division of Motor Carrier and Railroad Safety	27 MoReg 2262	27 MoReg 2272		
4 CSR 265-2.130	Division of Motor Carrier and Railroad Safety	27 MoReg 2263	27 MoReg 2272		
4 CSR 265-2.140	Division of Motor Carrier and Railroad Safety	27 MoReg 2263	27 MoReg 2273		
4 CSR 265-2.150	Division of Motor Carrier and Railroad Safety	27 MoReg 2263	27 MoReg 2273		
4 CSR 265-4.010	Division of Motor Carrier and Railroad Safety	27 MoReg 2264	27 MoReg 2273		
4 CSR 265-4.020	Division of Motor Carrier and Railroad Safety	27 MoReg 2264	27 MoReg 2274		

**DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION**

5 CSR 30-4.010	Division of Administrative and Financial Services	28 MoReg 322R		
5 CSR 30-4.030	Division of Administrative and Financial Services	27 MoReg 1937R	28 MoReg 344R	
		27 MoReg 1938	28 MoReg 344	
5 CSR 30-660.070	Division of Administrative and Financial Services	27 MoReg 2191	This Issue	
5 CSR 50-270.010	Division of School Improvement	27 MoReg 2191	This Issue	
5 CSR 50-340.150	Division of School Improvement	27 MoReg 2193		
5 CSR 50-355.100	Division of School Improvement	28 MoReg 323		
5 CSR 50-380.020	Division of School Improvement	27 MoReg 2196	This Issue	
5 CSR 60-100.020	Vocational and Adult Education	27 MoReg 1941	This Issue	
5 CSR 60-480.100	Vocational and Adult Education	27 MoReg 1943R	This IssueR	
		27 MoReg 1943	This Issue	
5 CSR 60-900.050	Vocational and Adult Education	27 MoReg 1947	This Issue	
5 CSR 70-742.141	Special Education	27 MoReg 1947	This Issue	
5 CSR 80-800.200	Teacher Quality and Urban Education	27 MoReg 1689	28 MoReg 344	
5 CSR 80-800.220	Teacher Quality and Urban Education	27 MoReg 1690	28 MoReg 345	
5 CSR 80-800.230	Teacher Quality and Urban Education	27 MoReg 1691	28 MoReg 345	
5 CSR 80-800.260	Teacher Quality and Urban Education	27 MoReg 1693	28 MoReg 347	
5 CSR 80-800.270	Teacher Quality and Urban Education	27 MoReg 1695	28 MoReg 349	
5 CSR 80-800.280	Teacher Quality and Urban Education	27 MoReg 1696	28 MoReg 349	
5 CSR 80-800.300	Teacher Quality and Urban Education	27 MoReg 1696	28 MoReg 349	
5 CSR 80-800.350	Teacher Quality and Urban Education	27 MoReg 1698	28 MoReg 350	
5 CSR 80-800.360	Teacher Quality and Urban Education	27 MoReg 1702	28 MoReg 350	
5 CSR 80-800.370	Teacher Quality and Urban Education	27 MoReg 1703	28 MoReg 351	28 MoReg 489
5 CSR 80-800.380	Teacher Quality and Urban Education	27 MoReg 1768	28 MoReg 351	27 MoReg 2017
5 CSR 80-805.015	Teacher Quality and Urban Education	27 MoReg 1950	This Issue	
5 CSR 80-805.040	Teacher Quality and Urban Education	27 MoReg 1950	This Issue	
5 CSR 80-850.045	Teacher Quality and Urban Education	27 MoReg 2198		
5 CSR 90-4.300	Vocational Rehabilitation	27 MoReg 1703	28 MoReg 354	

**DEPARTMENT OF TRANSPORTATION**

7 CSR 10-3.010	Missouri Highways and Transportation Commission	27 MoReg 2058		
7 CSR 10-3.040	Missouri Highways and Transportation Commission	27 MoReg 2063		
7 CSR 10-10.010	Missouri Highways and Transportation Commission	28 MoReg 21		
7 CSR 10-10.030	Missouri Highways and Transportation Commission	28 MoReg 23		
7 CSR 10-10.040	Missouri Highways and Transportation Commission	28 MoReg 23		
7 CSR 10-10.050	Missouri Highways and Transportation Commission	28 MoReg 24		
7 CSR 10-10.060	Missouri Highways and Transportation Commission	28 MoReg 24		
7 CSR 10-10.070	Missouri Highways and Transportation Commission	28 MoReg 25		
7 CSR 10-10.080	Missouri Highways and Transportation Commission	28 MoReg 26		
7 CSR 10-10.090	Missouri Highways and Transportation Commission	28 MoReg 26		

**DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS**

8 CSR 10-3.010	Division of Employment Security	This Issue		
8 CSR 20-3.030	Labor and Industrial Relations Commission	28 MoReg 325		

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<b>DEPARTMENT OF MENTAL HEALTH</b>					
9 CSR 10-5.200	Director, Department of Mental Health	27 MoReg 1858T			
9 CSR 10-7.020	Director, Department of Mental Health		27 MoReg 1455	28 MoReg 245	
9 CSR 10-7.110	Director, Department of Mental Health		27 MoReg 1772	28 MoReg 468	
9 CSR 10-7.130	Director, Department of Mental Health		27 MoReg 1951	28 MoReg 468	
9 CSR 25-2.105	Fiscal Management		27 MoReg 1951		
9 CSR 30-3.100	Certification Standards		27 MoReg 1455	28 MoReg 245W	
9 CSR 30-3.110	Certification Standards		27 MoReg 1952		
9 CSR 30-3.130	Certification Standards		27 MoReg 1457	28 MoReg 245	
9 CSR 30-3.192	Certification Standards		27 MoReg 1457	28 MoReg 245	
9 CSR 30-4.010	Certification Standards		27 MoReg 1457	28 MoReg 245	
9 CSR 30-4.030	Certification Standards		27 MoReg 1458	28 MoReg 246	
9 CSR 30-4.034	Certification Standards		27 MoReg 1459	28 MoReg 247	
9 CSR 30-4.035	Certification Standards		27 MoReg 1459	28 MoReg 248W	
9 CSR 30-4.039	Certification Standards		27 MoReg 1460	28 MoReg 248W	
9 CSR 30-4.041	Certification Standards		27 MoReg 1460	28 MoReg 248	
9 CSR 30-4.042	Certification Standards		27 MoReg 1461	28 MoReg 248	
9 CSR 30-4.043	Certification Standards		27 MoReg 1462	28 MoReg 250W	
9 CSR 30-4.195	Certification Standards		27 MoReg 1772	28 MoReg 468	
<b>DEPARTMENT OF NATURAL RESOURCES</b>					
10 CSR 10-2.070	Air Conservation Commission		This Issue		
10 CSR 10-2.340	Air Conservation Commission		28 MoReg 325		
10 CSR 10-2.390	Air Conservation Commission		This Issue		
10 CSR 10-3.090	Air Conservation Commission		This Issue		
10 CSR 10-4.070	Air Conservation Commission		This Issue		
10 CSR 10-5.160	Air Conservation Commission		This Issue		
10 CSR 10-5.170	Air Conservation Commission		27 MoReg 1462	28 MoReg 470	
10 CSR 10-5.480	Air Conservation Commission		This Issue		
10 CSR 10-6.060	Air Conservation Commission		27 MoReg 1704	28 MoReg 470	
10 CSR 10-6.065	Air Conservation Commission		27 MoReg 1462	28 MoReg 470	
10 CSR 10-6.070	Air Conservation Commission		This Issue		
10 CSR 10-6.075	Air Conservation Commission		This Issue		
10 CSR 10-6.080	Air Conservation Commission		This Issue		
10 CSR 10-6.100	Air Conservation Commission		27 MoReg 2274		
10 CSR 10-6.120	Air Conservation Commission		27 MoReg 1707	28 MoReg 471	
10 CSR 10-6.320	Air Conservation Commission		27 MoReg 1108	28 MoReg 250	
10 CSR 10-6.350	Air Conservation Commission		28 MoReg 141		
10 CSR 10-6.410	Air Conservation Commission		27 MoReg 1708	28 MoReg 471	
10 CSR 23-5.050	Division of Geology and Land Survey		28 MoReg 150		
10 CSR 70-8.010	Soil and Water Districts Commission		27 MoReg 2276		
10 CSR 70-8.020	Soil and Water Districts Commission		27 MoReg 2277		
10 CSR 70-8.030	Soil and Water Districts Commission		27 MoReg 2278		
10 CSR 70-8.040	Soil and Water Districts Commission		27 MoReg 2279		
10 CSR 70-8.050	Soil and Water Districts Commission		27 MoReg 2279		
10 CSR 70-8.060	Soil and Water Districts Commission		27 MoReg 2280		
10 CSR 70-8.070	Soil and Water Districts Commission		27 MoReg 2281		
10 CSR 70-8.080	Soil and Water Districts Commission		27 MoReg 2282		
10 CSR 70-8.090	Soil and Water Districts Commission		27 MoReg 2282		
10 CSR 70-8.100	Soil and Water Districts Commission		27 MoReg 2283		
10 CSR 70-8.110	Soil and Water Districts Commission		27 MoReg 2283		
10 CSR 70-8.120	Soil and Water Districts Commission		27 MoReg 2284		
<b>DEPARTMENT OF PUBLIC SAFETY</b>					
11 CSR 10-6.010	Adjutant General		27 MoReg 2285		
11 CSR 40-2.010	Division of Fire Safety		27 MoReg 1952R		
			27 MoReg 1953		
11 CSR 40-2.015	Division of Fire Safety		27 MoReg 1954		
11 CSR 40-2.020	Division of Fire Safety		27 MoReg 1954R		
11 CSR 40-2.021	Division of Fire Safety		27 MoReg 1955		
11 CSR 40-2.022	Division of Fire Safety		27 MoReg 1955		
11 CSR 40-2.030	Division of Fire Safety		27 MoReg 1958R		
			27 MoReg 1958		
11 CSR 40-2.040	Division of Fire Safety		27 MoReg 1960R		
			27 MoReg 1960		
11 CSR 40-2.050	Division of Fire Safety		27 MoReg 1961R		
			27 MoReg 1962		
11 CSR 40-2.060	Division of Fire Safety		27 MoReg 1962R		
11 CSR 40-2.061	Division of Fire Safety		27 MoReg 1963		
11 CSR 40-2.062	Division of Fire Safety		27 MoReg 1963		
11 CSR 40-2.064	Division of Fire Safety		27 MoReg 1963		
11 CSR 40-2.065	Division of Fire Safety		27 MoReg 1964		

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11 CSR 40-5.020	Division of Fire Safety		28 MoReg 27		
11 CSR 40-5.050	Division of Fire Safety		28 MoReg 27		
11 CSR 40-5.065	Division of Fire Safety		28 MoReg 27		
11 CSR 40-5.070	Division of Fire Safety		28 MoReg 32		
11 CSR 40-5.080	Division of Fire Safety		28 MoReg 33		
11 CSR 40-5.110	Division of Fire Safety		27 MoReg 1869		
11 CSR 40-5.120	Division of Fire Safety		28 MoReg 33		
11 CSR 45-3.010	Missouri Gaming Commission		28 MoReg 403		
11 CSR 45-5.200	Missouri Gaming Commission		28 MoReg 404		
11 CSR 45-4.060	Missouri Gaming Commission		27 MoReg 1471	28 MoReg 251	
11 CSR 45-4.260	Missouri Gaming Commission		28 MoReg 34		
11 CSR 45-5.200	Missouri Gaming Commission		27 MoReg 1785	28 MoReg 251	
11 CSR 50-2.500	Missouri State Highway Patrol		27 MoReg 2200	This Issue	
11 CSR 50-2.510	Missouri State Highway Patrol		27 MoReg 2200	This Issue	
11 CSR 50-2.520	Missouri State Highway Patrol		27 MoReg 2201	This Issue	
11 CSR 75-13.020	Peace Officer Standards and Training Program		27 MoReg 2202	28 MoReg 476	
11 CSR 75-14.050	Peace Officer Standards and Training Program		27 MoReg 2288	This Issue	
11 CSR 75-14.080	Peace Officer Standards and Training Program		27 MoReg 2202	28 MoReg 476	
11 CSR 75-15.030	Peace Officer Standards and Training Program		27 MoReg 2203	28 MoReg 476	

**DEPARTMENT OF REVENUE**

12 CSR 10-2.045	Director of Revenue		27 MoReg 2203		
12 CSR 10-3.010	Director of Revenue		27 MoReg 2288R		
12 CSR 10-3.038	Director of Revenue		27 MoReg 2288R		
12 CSR 10-3.048	Director of Revenue		27 MoReg 2289R		
12 CSR 10-3.088	Director of Revenue		27 MoReg 2289R		
12 CSR 10-3.124	Director of Revenue		27 MoReg 2063R	28 MoReg 477R	
12 CSR 10-3.148	Director of Revenue		27 MoReg 2289R		
12 CSR 10-3.150	Director of Revenue		27 MoReg 2289R		
12 CSR 10-3.222	Director of Revenue		27 MoReg 2290R		
12 CSR 10-3.226	Director of Revenue		27 MoReg 2290R		
12 CSR 10-3.230	Director of Revenue		27 MoReg 2290R		
12 CSR 10-3.232	Director of Revenue		27 MoReg 2290R		
12 CSR 10-3.370	Director of Revenue		27 MoReg 2291R		
12 CSR 10-3.304	Director of Revenue		27 MoReg 2291R		
12 CSR 10-3.348	Director of Revenue		27 MoReg 2291R		
12 CSR 10-3.356	Director of Revenue		27 MoReg 2291R		
12 CSR 10-3.358	Director of Revenue		27 MoReg 2292R		
12 CSR 10-3.372	Director of Revenue		27 MoReg 2292R		
12 CSR 10-3.422	Director of Revenue		27 MoReg 2292R		
12 CSR 10-3.500	Director of Revenue		27 MoReg 2292R		
12 CSR 10-3.514	Director of Revenue		27 MoReg 2293R		
12 CSR 10-3.532	Director of Revenue		27 MoReg 2293R		
12 CSR 10-3.538	Director of Revenue		27 MoReg 2293R		
12 CSR 10-3.860	Director of Revenue		27 MoReg 2293R		
12 CSR 10-24.120	Director of Revenue		27 MoReg 2294		
12 CSR 10-24.140	Director of Revenue		28 MoReg 404		
12 CSR 10-24.190	Director of Revenue		27 MoReg 2294		
12 CSR 10-24.305	Director of Revenue		27 MoReg 2295		
12 CSR 10-24.395	Director of Revenue		27 MoReg 2295		
12 CSR 10-24.448	Director of Revenue	28 MoReg 5	28 MoReg 34		
12 CSR 10-24.472	Director of Revenue		27 MoReg 2295		
12 CSR 10-26.060	Director of Revenue		27 MoReg 1964	28 MoReg 354	
12 CSR 10-26.100	Director of Revenue		28 MoReg 150R		
12 CSR 10-41.010	Director of Revenue	27 MoReg 2125	27 MoReg 2209	This Issue	
12 CSR 10-110.600	Director of Revenue		27 MoReg 2064		
12 CSR 10-110.900	Director of Revenue		27 MoReg 2296		
12 CSR 10-110.950	Director of Revenue		27 MoReg 2064	28 MoReg 477	
12 CSR 10-111.010	Director of Revenue		27 MoReg 2065		
12 CSR 10-111.060	Director of Revenue		27 MoReg 2068		
12 CSR 40-50.010	State Tax Commission		27 MoReg 1787	28 MoReg 252	
12 CSR 40-80.080	State Tax Commission		27 MoReg 1787	28 MoReg 252	

**DEPARTMENT OF SOCIAL SERVICES**

13 CSR 40-19.020	Division of Family Services	27 MoReg 1858	27 MoReg 1872	28 MoReg 354	
13 CSR 40-30.020	Division of Family Services	27 MoReg 2265	27 MoReg 2299		
13 CSR 40-31.025	Division of Family Services		28 MoReg 34		
13 CSR 70-1.020	Division of Medical Services		28 MoReg 405		
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13 CSR 70-15.170	Division of Medical Services	27 MoReg 1170			
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13 CSR 70-35.010	Division of Medical Services	27 MoReg 1174 28 MoReg 5T	27 MoReg 1324 28 MoReg 409R		
13 CSR 70-40.010	Division of Medical Services	27 MoReg 1176 28 MoReg 397T	27 MoReg 1326	28 MoReg 170	
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13 CSR 73-2.015	Missouri Board of Nursing Home Administrators (Change to 19 CSR 73-2.015)		28 MoReg 412		
13 CSR 73-2.020	Missouri Board of Nursing Home Administrators (Change to 19 CSR 73-2.020)		28 MoReg 412		
13 CSR 73-2.025	Missouri Board of Nursing Home Administrators (Change to 19 CSR 73-2.025)		28 MoReg 417		
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13 CSR 73-2.055	Missouri Board of Nursing Home Administrators (Change to 19 CSR 73-2.055)		28 MoReg 419		
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13 CSR 73-2.085	Missouri Board of Nursing Home Administrators (Change to 19 CSR 73-2.085)		28 MoReg 421		
13 CSR 73-2.090	Missouri Board of Nursing Home Administrators (Change to 19 CSR 73-2.090)		28 MoReg 421		
13 CSR 73-2.095	Missouri Board of Nursing Home Administrators (Change to 19 CSR 73-2.095)		28 MoReg 421		

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15 CSR 30-8.010	Secretary of State	27 MoReg 1934T			
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15 CSR 30-8.020	Secretary of State	27 MoReg 1935	27 MoReg 2076	This Issue	
15 CSR 30-9.040	Secretary of State	27 MoReg 1936	27 MoReg 2078	This Issue	
15 CSR 30-45.030	Secretary of State		28 MoReg 422		
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15 CSR 30-51.020	Secretary of State		This Issue		
15 CSR 30-52.310	Secretary of State		28 MoReg 331		
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15 CSR 30-54.220	Secretary of State		This IssueR		
15 CSR 30-59.020	Secretary of State		This Issue		
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15 CSR 30-90.200	Secretary of State		27 MoReg 1973	28 MoReg 358	
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15 CSR 30-90.230	Secretary of State		27 MoReg 1975	28 MoReg 359	
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19 CSR 30-1.011	Division of Health Standards and Licensure		28 MoReg 434		
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20 CSR 100-1.060	Division of Consumer Affairs		27 MoReg 2300		
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22 CSR 10-2.020	Health Care Plan	28 MoReg 120	28 MoReg 229		
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22 CSR 10-2.050	Health Care Plan	28 MoReg 123R	28 MoReg 231R		
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22 CSR 10-2.060	Health Care Plan	28 MoReg 125R	28 MoReg 233R		
22 CSR 10-2.063	Health Care Plan	28 MoReg 125R	28 MoReg 233R		
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**Expires**

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1 CSR 15-3.200	Subject Matter	May 30, 2003
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1 CSR 20-2.015	Broad Classification Bands for Managers	July 10, 2003

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#### Public Service Commission

4 CSR 240-120.140	New Manufactured Home Manufacturer's Inspection Fee	August 1, 2003
4 CSR 240-123.030	Seals	August 1, 2003

#### Division of Motor Carrier and Railroad Safety

4 CSR 265-2.070	Complaints	May 30, 2003
4 CSR 265-2.080	Pleadings	May 30, 2003
4 CSR 265-2.085	Dismissal of Cases	May 30, 2003
4 CSR 265-2.090	Discovery and Prehearings	May 30, 2003
4 CSR 265-2.100	Subpoenas and Formal Investigations	May 30, 2003
4 CSR 265-2.110	Hearings	May 30, 2003
4 CSR 265-2.115	Continuances	May 30, 2003
4 CSR 265-2.116	Interventions	May 30, 2003
4 CSR 265-2.120	Evidence	May 30, 2003
4 CSR 265-2.130	Briefs and Oral Argument	May 30, 2003
4 CSR 265-2.140	Decisions of the Division	May 30, 2003
4 CSR 265-2.150	Rehearings	May 30, 2003
4 CSR 265-4.010	Gratuities and Private Employment	May 30, 2003
4 CSR 265-4.020	Conduct During Proceedings	May 30, 2003

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12 CSR 10-24.448	Proof of Identity and Proof of Social Security Number Required for Issuance of a Driver or Nondriver License	June 23, 2003
12 CSR 10-41.010	Annual Adjusted Rate of Interest	June 29, 2003

### Department of Social Services

#### Division of Family Services

13 CSR 40-19.020	Low Income Home Energy Assistance Program	March 31, 2003
13 CSR 40-30.020	Attorney Fees in Termination of Parental Rights Cases	June 11, 2003

#### Division of Medical Services

13 CSR 70-3.065	Medicaid Program Payment of Claims for Medicare Part B Services	(See Letter pages 592-595)
13 CSR 70-10.015	Prospective Reimbursement Plan for Nursing Facility Services	July 15, 2003
13 CSR 70-10.150	Enhancement Pools	May 6, 2003
13 CSR 70-60.010	Durable Medical Equipment Program	(See Letter pages 592-595)
13 CSR 70-65.010	Rehabilitation Center Program	August 27, 2003
13 CSR 70-70.010	Therapy Program	August 27, 2003

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15 CSR 30-3.010	Voter Identification Affidavit	April 18, 2003
15 CSR 30-8.010	Provisional Ballots and Envelopes	April 18, 2003
15 CSR 30-8.020	Procedures to Determine Eligibility for Provisional Ballots to Be Counted	April 28, 2003
15 CSR 30-9.040	Write-In Stickers	April 18, 2003
15 CSR 30-90.090	Refusal to File; Cancellation; Defects in Filing	March 30, 2003
15 CSR 30-200.030	Public Access Computers in Public Libraries	April 29, 2003

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19 CSR 10-4.020	J-1 Visa Waiver Program	June 23, 2003
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#### Division of Environmental Health and Communicable Disease Prevention

19 CSR 20-20.020	Reporting Communicable, Environmental and Occupational Diseases	June 23, 2003
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#### Missouri Health Facilities Review Committee

19 CSR 60-50.300	Definitions for the Certificate of Need Process	June 29, 2003
19 CSR 60-50.300	Definitions for the Certificate of Need Process	June 29, 2003
19 CSR 60-50.400	Letter of Intent Process	June 29, 2003
19 CSR 60-50.400	Letter of Intent Process	June 29, 2003
19 CSR 60-50.410	Letter of Intent Package	June 29, 2003

<b>19 CSR 60-50.410</b>	Letter of Intent Package . . . . .	June 29, 2003
<b>19 CSR 60-50.420</b>	Application Process . . . . .	June 29, 2003
<b>19 CSR 60-50.420</b>	Application Process . . . . .	June 29, 2003
<b>19 CSR 60-50.430</b>	Application Package . . . . .	June 29, 2003
<b>19 CSR 60-50.430</b>	Application Package . . . . .	June 29, 2003
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<b>19 CSR 60-50.450</b>	Criteria and Standards for Long-Term Care . . . . .	June 29, 2003
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<b>19 CSR 60-50.700</b>	Post-Decision Activity . . . . .	June 29, 2003

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### **Market Conduct Examination**

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## **Missouri Consolidated Health Care Plan**

### **Health Care Plan**

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<b>22 CSR 10-2.040</b>	PPO Plan Summary of Medical Benefits . . . . .	June 29, 2003
<b>22 CSR 10-2.045</b>	Co-pay and PPO Plan Summaries . . . . .	June 29, 2003
<b>22 CSR 10-2.050</b>	PPO Plan Benefit Provisions and Covered Charges . . . . .	June 29, 2003
<b>22 CSR 10-2.055</b>	Co-pay and PPO Plan Benefit Provisions and Covered Charges . . . . .	June 29, 2003
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<b>22 CSR 10-2.063</b>	HMO/POS Premium Option Summary of Medical Benefits . . . . .	June 29, 2003
<b>22 CSR 10-2.064</b>	HMO/POS Standard Option Summary of Medical Benefits . . . . .	June 29, 2003
<b>22 CSR 10-2.067</b>	HMO and POS Limitations . . . . .	June 29, 2003
<b>22 CSR 10-2.075</b>	Review and Appeals Procedure . . . . .	June 29, 2003
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<b>03-02</b>	Establishes the Division of Family Support in the Dept. of Social Services	February 5, 2003	28 MoReg 298
<b>03-03</b>	Establishes the Children's Division in the Dept. of Social Services	February 5, 2003	28 MoReg 300
<b>03-04</b>	Transfers all TANF functions to the Division of Workforce Development in the Dept. of Economic Development	February 5, 2003	28 MoReg 302
<b>03-05</b>	Transfers the Division of Highway Safety to the Dept. of Transportation	February 5, 2003	28 MoReg 304
<b>03-06</b>	Transfers the Minority Business Advocacy Commission to the Office of Administration	February 5, 2003	28 MoReg 306

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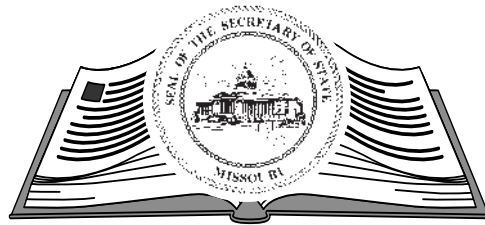
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